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COMMISSION OF INQUIRY INTO THE
USE OF DRUGS AND BANNED PRACTICES
INTENDED TO INCREASE ATHLETIC PERFORMANCE

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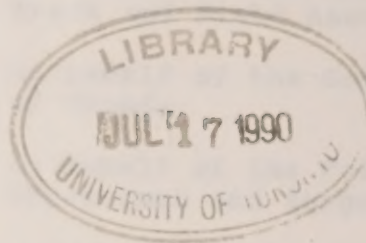
THE HONOURABLE MR. JUSTICE CHARLES LEONARD DUBIN

HEARING HELD AT 1235 BAY STREET,
2nd FLOOR, TORONTO, ONTARIO,
ON WEDNESDAY, MAY 24, 1989

VOLUME 50

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C O U N S E L:

R. ARMSTRONG, Q.C. Ms. K. CHOWN	on behalf of the Commission
R. BOURQUE	on behalf of the Canadian Track and Field Association
E. SOJONKY, Q.C.	on behalf of the Government of Canada
J. PORTER R. STEINECKE	on behalf of the College of Physicians and Surgeons
T. BARBER	on behalf of the Sport Medicine Council of Canada
R. McMURTRY, Q.C. A. PRATT	on behalf of Charles Francis
E. FUTERMAN L. LIPKUS	on behalf of Ben Johnson
D. SOOKRAM L. LEVINE	on behalf of Dr. M. G. Astaphan
C. ASHBY Ms. S. HICKLING	on behalf of Bishop Dolegiewicz
MR. O. SALA	on behalf of Mr. David Steen

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--- Upon commencing.

THE COMMISSIONER: Just give them two minutes. All right. Thank you very much, gentlemen. Thank you. Thank you very much. All right. Mr. Armstrong.

MR. ARMSTRONG: Yes, thank you, Mr. Commissioner. The next witness is Dr. George Mario Astaphan. He is present and ready to be sworn.

THE COMMISSIONER: Thank you.

GEORGE MARIO ASTAPHAN: Sworn

THE COMMISSIONER: Thank you, Dr. Astaphan.

MR. ARMSTRONG: Yes. Just before beginning my questioning, if I may, Mr. Commissioner, Mr. Sookram has something he wants to bring to your attention.

THE COMMISSIONER: Yes, Mr. Sookram.

MR. SOOKRAM: May it please you, Mr. Commissioner, I have the honor to introduce to you formally Mr. Anthony Michael, who is an admitted Canadian citizen. He is now practicing out of the West Indies. He is here only in an advisory capacity to me.

THE COMMISSIONER: Thank you.

MR. SOOKRAM: Mr. Michael.

THE COMMISSIONER: Very nice meeting you, Mr. Michael.

MR. SOOKRAM: Thank you.

THE COMMISSIONER: We have already had a chat.

MR. MICHAEL: Yes.

5 THE COMMISSIONER: Mr. Armstrong.

MR. ARMSTRONG: Thank you, Mr. Commissioner.

--- EXAMINATION BY MR. ARMSTRONG:

10 Q. Dr. Astaphan, you were born on May 22, 1946, in St. Kitts. Is that correct?

A. Yes, sir.

Q. And I understand although your formal name is George Mario Astaphan, you have been known all
15 your life as Jamie Astaphan?

A. That's correct.

Q. And you attended high school in St. Kitts. And upon graduation from high school, you came to Canada where you attended university at Sir George
20 Williams University in Montreal?

A. Yes, sir.

Q. And from that institution you received your Bachelor of Science degree in 1967?

A. That's right.

25 Q. After Sir George Williams, you came

down to Toronto, attended the University of Toronto medical school, having graduated with your MD in 1971?

A. That's correct.

5 Q. Upon finishing your medical degree, you then began an internship at Scarborough General Hospital, in Scarborough, in 1971 and '72; is that correct?

A. That's correct.

10 Q. After your internship, you began a brief stint in 1972-73 as the district medical officer in St. Kitts?

A. That's correct.

Q. And then you came back to mainland North America, and for a six-month period or so, you practiced in South Dakota?

15 A. That's correct.

Q. And moving along, in 1974 you settled for a seven-year period in Warkworth, Ontario, where from 1974 to 1981 you carried on a general practice?

A. That's correct.

20 Q. Then in 1981 you moved back to St. Kitts where you again took up a position as medical officer of health for the island for the period 1981 to 1983?

A. That's correct.

25 Q. Then from 1983 to 1986, you came back

to Ontario and carried on a general practice in the Municipality of Metropolitan Toronto, mainly, I guess, in the North York area?

A. That's correct.

5 Q. And from late 1986 to the present, you have been carrying on a general medical practice in the island of St. Kitts?

A. That's right.

10 Q. Apart from your medical education, training, and career, you have, as I understand it, had an interest in sports including participating as an amateur power lifter up until about 1974, is that so?

A. That's right.

15 Q. I understand also that you have been a soccer player having been a member of the University of Toronto Blues soccer team while you were a medical student?

A. That's correct.

20 Q. You also were a member of your local high school track and field team in St. Kitts from time to time?

A. Yes.

Q. All right.

25 THE COMMISSIONER: I gather you didn't win any medals?

THE WITNESS: No, sir, I wasn't very good.

THE COMMISSIONER: Because you rather
hesitated in the answer.

5 MR. ARMSTRONG:

Q. You were frank to tell me last night
that when Ms. Chown asked you what your events were, you
indicated they were whatever was needed at the particular
meet?

10 A. Yes, sir, I was a stopgap.

Q. All right. Then as well as your
soccer playing with the University of Toronto Blues you
also played for a team in the Toronto and District Soccer
League, is that so?

15 A. Yes, sir.

Q. And indeed although perhaps your own
track and field or athletics career would rank low in
terms of your own sporting pursuits, you have always had a
keen interest apparently in track and field and before you
20 met Charlie Francis and his athletes, you used to attend
track and field meets and athletic meets in Toronto and
elsewhere?

A. Yes, sir.

Q. All right. Then I wanted to take you
25 to the fall of 1983, and we have heard evidence both from

Mr. Francis and from Ms. Issajenko that she went to see you in about late September-early October concerning a leg injury. Do you recall that?

A. It was a thigh injury.

5

Q. Yes. And what was the nature of her injury at that time, and what, if anything, did you do for her at that time?

10

A. She had a chronic inflammatory condition of the upper hamstring insertion, which in my opinion, required physiotherapy and analgesics and rest, which is what she got.

Q. Was there some suggestion from either her or some other physician that the problem was a sciatic nerve problem as opposed to a hamstring problem?

15

A. Yes.

Q. Was it your opinion that it was a sciatic nerve problem?

A. No, sir.

Q. You thought it was a hamstring problem?

20

A. Yes.

Q. Now, during the course of that visit, did the use of performance enhancing drugs, or, in particular, steroids come up?

A. Not at her first visit.

25

Q. She testified that after the first

visit to you, within a couple of weeks or so, she had an appointment with a Dr. Robert Kerr, who is a physician outside of Los Angeles. And did you become aware prior to her visit to Dr. Kerr that indeed she had this appointment with him?

A. No, sir.

Q. When she returned back from visiting Dr. Kerr, which on the the evidence as we have it was October 11, 1983, did you become aware that she had been to see Dr. Kerr?

A. Yes.

Q. What did she tell you about that visit?

A. Well, she came in to see me with Charlie Francis. And she brought a program and some anabolic steroids that Dr. Kerr had given her, plus I think three sheets of lab results, and a little green book which Dr. Kerr had written.

Q. Yes. And had you yourself up to that time had any experience as a physician prescribing, administering steroids in respect of athletes using them for performance enhancement?

A. No, not at all.

Q. All right. And I take it that since she brought the drugs to you, brought Dr. Kerr's book to you, she must have been seeking your advice?

A. Yes, she was seeking my advice as to what I thought of the program and the medication that he had put her on.

5 And I was quite honest with her and told her I really didn't know, because I didn't know very much about steroids at that time.

Q. Yes.

10 A. But I would take his book which she loaned me, read it, and find out from whatever sources I could as a much as possible about steroids.

Q. Did you read Dr. Kerr's book?

A. Yes, sir.

15 Q. Did you make inquiries about the use of steroids from whatever other sources were available to you at that time?

A. Many.

Q. Yes. What particular conclusion, if any, did you come to concerning Dr. Kerr's book?

A. I wouldn't buy it.

20 Q. Why is that?

A. It is a recipe book for taking steroids.

Q. A recipe book for taking steroids?

A. Literally, yes.

25 Q. Now, Angella Issajenko has told the

Commissioner in her evidence that Dr. Kerr had prescribed three drugs for her. One was Anavar, an anabolic steroid. A second was growth hormone. And a third was L'dopa or Larodopa, which she and perhaps others have explained
5 apparently increases the uptake of growth hormone.

Were you aware at this time in October 1983, that those three drugs were prescribed by Dr. Kerr?

A. Yes. She brought them to the office and showed them to me.

10 Q. And did you, after having read his book, obtained information from other sources, offer her any advice in respect of the particular program prescribed by Dr. Kerr?

A. Yes, I did.

15 Q. What did you tell her?

A. Well, my information was that the Larodopa had side effects and there is a little bit of a misunderstanding in one of your statements.

Q. Yes.

20 A. It causes an increase, a supposed increase in production two to four hours after taking Larodopa.

Q. I see.

25 MR. FUTERMAN: I am sorry, we are having difficulty hearing.

THE COMMISSIONER: Yes. Would you just bring the mike up just a little bit, Doctor, just a little bit. That's better. Thank you. Just make yourself comfortable.

5

MR. ARMSTRONG:

Q. So, what you are -- sorry, do you have some problem?

10

A. I think Mr. Futerman was asking something, I am not sure --

MR. FUTERMAN: Just couldn't hear the last statement he made.

THE COMMISSIONER: I understand. You said something there was a misunderstanding about L-dopa.

15

THE WITNESS: No, Mr. Armstrong's statement, I was just trying to clarify that the reason why they took L-dopa.

20

They -- the suspicion coming out of California was that taking L-dopa and an empty stomach before sleep increased the indigenous production of growth hormone two to four hours after if taken on an empty stomach.

THE COMMISSIONER: You didn't agree with that.

25

MR. ARMSTRONG:

Q. No, what he didn't agree with was my statement. I suggested that what the L-Dopa was for was to increase the uptake of the actual drug that was taken. And what you are saying is this actually stimulates more natural production?

A. That is the premise which it was taken on.

Q. All right. Well, I am sorry, I have kind of misled you a little bit.

What then, Dr. Astaphan, was your advice, if any, to Angella Issajenko at this time concerning the program prescribed by Dr. Kerr?

A. Well, my information was that the L-Dopa had side effects and didn't work as well as Dixarit.

Q. Yes.

A. Which is a medication commonly used. It has much fewer side effects. And secondly, the Anavar was not the drug of choice.

Q. Yes. In fact, she said that you suggested that Anavar was perhaps too harsh on the liver. Was that your information?

A. That was my information, yes, sir.

Q. All right. Indeed, at that time, she says you expressed a preference for Winstrol over Anavar.

Is that so?

A. No. No. In October of '83, I had very little knowledge about any steroid, particularly Winstrol.

5 Q. But you knew enough about the kind of program she was on to at least have information to come to the conclusion that you preferred Dixarit over the L-Dopa?

A. Yes, because I phoned, I spoke to people about the program she was on and they knew a lot about it.

10 Q. And you came to the conclusion that Anavar, the anabolic steroid, was not the drug of choice?

A. Yes, because it was -- it had reportedly harsh effects on the liver.

15 Q. What then was the drug of choice at that time from the information that you were able to obtain?

A. Dianabol tablets.

20 Q. I see. Is it possible that you may also have told Ms. Issajenko that on the basis of the information you had obtained that you preferred Winstrol over -- or that the information suggested that Winstrol should be preferred over Anavar?

A. Not in October '83.

25 Q. At some subsequent time was that the case?

A. Probably.

Q. We are going to move along I hope in chronological order, but if we could make a note of it here, when would that have been?

5

10

15

20

25

A. I would think that would be probably early '84.

Q. Early '84?

A. Well, spring -- around spring '84.

5 Q. All right. And what basis did you come to that conclusion? Was that information you received from somebody else or experience from ---

A. That was information received from many other sources, including medical studies done and particularly one done by Winthrop, the maker of
10 stanozolol, done in 1961.

Q. Yes?

A. And also the Medical Journal of Sports Medicine and information gathered from physicians who were
15 very knowledgeable and very heavy into the field of anabolic steroids.

Q. Yes. And those sources then, in early '84, led you to the conclusion that Winstrol was a more preferred drug than Anavar, say?

20 A. Oral Winstrol was more preferred than oral Anavar, yes.

Q. And what about more preferred than Dianabol?

A. With respect to the fact that in some
25 people the Dianabol caused a little bit too much water

retention.

THE COMMISSIONER: Too much, what, water retention?

THE WITNESS: Yes, sir.

5 THE COMMISSIONER: Thank you.

MR. ARMSTRONG:

Q. All right. And was the American
Journal of Sports Medicine, at that time, was it
10 publishing articles on the subject of performance
enhancing drugs and, in particular, anabolic steroids?

A. Anabolic steroids had been written
about as performance enhancement drugs going back many
years. They were used in 1962 and 1963. As a matter of
15 fact, the first use of anabolic steroids as performance
enhancing drugs were by Dr. Siegler in 1960.

Q. All right. Then, I just want to read
you a note that Angella Issajenko had in her diary for
October the 19th, 1983 when she apparently attended your
20 office. This would have been about 7 or 8 days after -- 8
days after her visit to Dr. Kerr.

Her note has your name as Dr. Asapan but I
guess you were relatively new to her at that time. She
since obviously has got your name more than correct but
25 the note reads; "Dr. Astaphan, progress a lot. He will do

all my testing. Advise on drugs, nutrition, et cetera. Great. I will finally get..."and then there is a word "together". "Get my so and so together."

5 That was a note in Ms. Issajenko's diary and, Dr. Astaphan, in layman's terms, does that note accurately reflect the understanding that you and she came to at that time as to what the relationship would be between her and you?

A. What was she going to get together?

10 THE COMMISSIONER: Her act.

MR. ARMSTRONG:

Q. Use your imagination!

A. With Angella? Well, my understanding
15 of that ---

Q. I'm glad you still have your sense of humour after all of this, but....

A. You have to. I assumed, at that time, that the rule of looking after Angella because (a) they
20 had been going to other doctors; they had been getting lab result which some way were misinterpreted -- not by the doctors only.

They were obtaining whatever medication or extracurricular vitamins that they were referred to from
25 many other sources other than medical sources and I

thought that for her physical wellbeing and, in Angella's case, her mental wellbeing, too, and under my Hippocratic Oath that I should take her under my care rather than letting her go and get herself injured.

5 MR. FUTERMAN: Sorry, Mr. Commissioner. Sometimes the voice is fading way and I'm having difficulty.

 THE COMMISSIONER: Well, he thought, he said, that he thought it was his duty to take care of her
10 under those circumstances. Isn't that what you said, doctor? In accordance with the Hippocratic Oath.

 MR. ARMSTRONG:

 Q. That's what you said ---

15 A. Yes.

 Q. ---Dr. Astaphan? So, you saw yourself, in a sense then, as fulfilling your obligations under the Oath of Hippocrates in looking after Angella Issajenko in these circumstances?

20 A. Yes, sir. I thought by looking after her, I could at least erase most of the possibility of polypharmacy.

 Q. Of, sorry?

 A. Polypharmacy. The multiplicity of drug
25 taking from a multiplicity of sources.

Q. All right. I take it then that it was your assessment, at that time, that in Angella Issajenko's case, her taking of drugs was not on a sufficiently structured or professional basis and that what you were going to do was assist her to structure it and take it in accordance with appropriate medical guidelines.

Is that fairly put, what you're suggesting?

A. Yes, sir.

Q. All right. I am, of course, going to come back to Angella Issajenko but I want to ask you at this time about other athletes.

First of all, there was Tony Sharpe and he has indicated that you became his doctor in late 1983 and that from time-to-time you gave him anabolic steroids and do you agree with that ---

A. Yes.

Q. ---evidence as a general statement?

A. Yes, sir.

Q. And then also in late '83 or early 1984, did you meet a young athlete named Ben Johnson?

A. I certainly did.

Q. And tell us about your first meeting with Ben Johnson, please?

A. Well, Ben was brought to me by Charlie Francis because of a knee injury which he had been told,

by an orthopedic surgeon, will require surgery.

Q. Yes?

A. And I examined Ben and I told both himself and Charlie I thought I could rehabilitate him without any surgery.

Q. You thought you could rehabilitate him without any surgery?

A. Yes, sir.

Q. Right.

A. And I did.

Q. Now, up to early -- late '83, early '84, had you been involved in what we now understand to be the general discipline known as sports medicine?

A. I had treated a lot of athletic injuries, many.

Q. Yes?

A. I mean, since the early '70's. But the name sports medicine became popular six, seven years ago when it was seen to be a nice money making thing. I was never a sports medicine -- I never put up a shingle saying sports medicine.

Q. So, you, as a general practitioner prior to '83, '84, had among your patients athletes who from time-to-time would come in with sports injuries and you would look after them?

A. Yes.

Q. And going back to Ben Johnson, I take it you, from what you said, you were successful in treating this injured leg without surgical intervention?

5 A. Yes, sir.

Q. Now, when he came to see you the first time was Charlie Francis with him?

A. Yes, sir.

10 Q. And during this first meeting with Ben Johnson, was there any discussion between you and him as to the use of steroids?

A. Yes, there was.

Q. Tell us about that, please?

15 A. Well, the topic of steroids was brought up, initiated by Charlie, and we discussed with Ben, you know, what he had been taking and how long he had been taking and how regularly he had been taking and what he had been taking.

20 And the information Ben gave me, in Charlie's presence, was that he had taken anabolics on and off since 1981. But at that -- at the time when he came to see me, he was not taking anything.

Q. Now, did Ben Johnson provide this information himself or was it provided by Charlie Francis?

25 A. No, Charlie initiated the conversation

and Ben provided the rest of the information.

Q. Did he tell you what kind of steroids he had been taking since 1981 on and off?

5 A. Yes. He said he took Dianabol, on and off, he had taken testosterone shots and I think on a few occasions he had taken Deca-Durabolin which is an oil based anabolic steroid.

10 Q. And did he, at that time, offer any suggestion to you or any information to you as to what effect, if anything, the taking of the steroids appeared to have on his -- either his health or his athletic competitiveness?

15 A. Yes. He thought -- he said that he thought it had made -- the program had made him a little bit stronger and a little bit quicker.

20 Q. Now, Ben Johnson, the record is clear -- I'd like to have it from you just so we can complete the record -- that from that time forward became your patient, so far as the athletic side of his career is concerned, is that not so?

A. I assume so.

25 Q. And indeed, we've had evidence from his family practitioner who has seen him over the years but he said he always understood that Ben Johnson had a sports doctor or a team doctor, as he called it, and he later

learned that that was you and I -- and, as you say, you assumed so and I assumed from what you've said that from '83 to 1988, at least, you saw him on a regular basis, so far as his health was concerned, related to his athletic endeavors?

A. As regular as was possible with Ben, yes.

Q. I take it from that comment that Ben is -- it's not always possible to be regular with Ben Johnson, is that what the suggestion is?

A. Well, I never found it possible to be regular with Ben at all. Ben works by his own timetable.

THE COMMISSIONER: I'm sorry, I didn't hear the question -- didn't hear the answer.

MR. ARMSTRONG: He said that he found it impossible to be regular at all with Ben Johnson because he works according to his own timetable.

THE DEPONENT: Yes, sir.

THE COMMISSIONER: Regular in the sense of keeping appointments, is that what you're talking about, Mr. Armstrong?

MR. ARMSTRONG:

Q. Is that what you mean?

A. Yes, sir.

Q. But, apart from the appointments that he may not have kept or have been late for, there is no question that over that period of years you saw him on a number of occasions professionally?

5 A. I saw him on many occasions.

Q. Professionally?

A. Yes, sir.

Q. All right. Then in the fall of 1983, Charlie Francis has testified that you supplied him with some growth hormone which he, in turn, gave to his athletes. Do you recall that?

10

A. Yes, but I'm not sure if it was the fall of '83 or early '84. I think it was early '84.

Q. And then in early '84, Angella Issajenko has testified that in that period, she ran out of a supply of growth hormone that she had obtained from Dr. Kerr.

15

And she said that prior to going to a training camp in Guadeloupe, she made arrangements with you to supply her with some growth hormone, is that so?

20

A. No. The only growth hormone they got was the 14 bottles which Charlie and Angella got from me in early '84. Subsequent to that, they never got any more growth hormone from me until last year.

Q. Until 1988?

25

A. Yes, sir.

Q. So then in early '84, you obtained for Charlie Francis and Angella Issajenko, 14 bottles of growth hormone?

5 A. Yes, sir.

Q. And she has testified that she paid you, prior to going to a training camp in Guadeloupe, \$1,200 for some growth hormone. Do you recall that?

10 A. That was the \$1,200 to cover the 14 bottles which she had.

Q. All right. Was she sharing, in some way, these 14 bottles with Charlie Francis?

15 A. Well, not Charlie. Charlie wasn't using it. But I think she was sharing it with other athletes.

Q. I understand that. I meant, was -- some of it was obviously for her and the balance was obviously for other athletes of Charlie Francis?

20 A. Right.

25

THE COMMISSIONER: Not for Mr. Francis.

MR. ARMSTRONG:

Q. No, I realize my question was
5 inappropriate. I just wanted to read you another note
from her diary of March the 4th, 1984. She has a notation
that reads, "Astaphan hasn't come up with somatropin in
spite of giving him \$1200. I hope he sends them with Tony
on Sunday." And let me just, before I ask you a question,
10 just give you a little more information as to what she
said.

She said that she was going to this training
camp in Guadeloupe, needed somatropin or the growth
hormone, paid you the \$1200, and subsequently, Ben Johnson
15 and Tony Sharpe arrived in Guadeloupe with some aqueous
testosterone, some vitamins and some growth hormone.
There is a bit of a story about that, but we will leave
that aside for the moment. This is a long-winded
introduction to the question. Do you recall providing
20 either Tony Sharpe or Ben Johnson--

THE COMMISSIONER: I think the evidence was
Mr. Sharpe said it came from Mr. Johnson and then Mr.
Sharpe.

25 MR. ARMSTRONG:

Q. Yes, do you recall providing Ben Johnson with growth hormone, aqueous testosterone and some vitamins to take down to the training camp in Guadeloupe?

A. They got vitamins, a lot of vitamins.
5 They got a 30 cc bottle of aqueous testosterone, but not the growth hormone. There is no way Angella or Ben or Charlie would have allowed anybody to get that growth hormone with them.

Q. Why do you say that?

10 A. Because growth hormone is very difficult to get and they wanted it. I didn't give it to Ben, I didn't give it to Tony Sharpe either. They got the 14 bottles of growth hormone in early '84 and that was it and the last year.

15 Q. Let me give you a few more facts so that you have them and see if it assists your recollection. Tony Sharpe said that when they went through the customs in Guadeloupe, that Ben Johnson put down on the customs table a beer cooler that contained the
20 growth hormone, the aqueous testosterone, and before the customs officer went through this cooler, he, Tony Sharpe, removed the growth hormone and the aqueous testosterone, and so he certainly was very definite that Ben Johnson had brought down some growth hormone.

25 A. I'm not denying that Ben took growth

hormones on, but I tell you I didn't give Ben Johnson any growth hormone in 1984. It would be rather stupid to take it down in a beer cooler. It doesn't need refrigeration until it's opened.

5 Q. All right. In any event, your recollection does at least go so far as indicating that aqueous testosterone was provided to them to take down to the training camp in Guadeloupe?

A. Yes, they got a 30 cc bottle.

10 THE COMMISSIONER: Was that given to Mr. Johnson? Did you give that to Mr. Johnson to take to Guadeloupe?

THE WITNESS: Yes, sir.

15 MR. ARMSTRONG:

Q. Now obviously you must have known that they intended, that is Johnson, Sharpe and Issajenko, to have the aqueous testosterone administered in Guadeloupe?

A. Yes.

20 Q. And did you provide them with any syringes?

A. I don't know. I'm not sure. If they didn't have the other one, I would have. They usually had the other one.

25 Q. Now, we have heard a lot of evidence

not only in respect of this training camp in Guadeloupe but subsequent to the training camp in Guadeloupe that these athletes from time to time would inject each other with anabolic steroids and other drugs, inosine and vitamin B12. We have heard even one or more athletes injected himself or herself. Did that, as a physician, cause you any concern that these athletes would be using syringes to inject each other even though they were not medically trained?

A. It did cause me a lot of concern to the point that I had them come in a little bit frequently so that I could administer the shots because some of them ended up with terrible bruises and hematomas, and in one case, I think one of them had a small abscess from the way he had been given the shot.

Q. I'm sorry, one of them had a small abscess?

A. On his back side from where he was given the shot.

Q. Now, at this time there is evidence that Issajenko, Johnson and Sharpe were also receiving vitamin B12 and inosine. The evidence appears to suggest that indeed you were the one who introduced at least inosine, if not vitamin B12, to the group. Is that so?

A. Yes.

Q. Tell us, Dr. Astaphan, what is vitamin B12 used for in these circumstances of being provided to athletes? What is it intended to accomplish?

5 A. It wasn't just vitamin B12. It's a mixture of vitamins, B vitamins, 1, 3, 12 and on occasion 6, along with inosine. They are water soluble vitamins, and it has been shown that in high intensity activity, particularly any sport in which there is a burst of speed, being water soluble, it is a little bit rapidly lost from
10 the body.

It is a known fact that the negro--the West Indian negro anyway has a little bit of a deficiency in vitamin B metabolism, and seeing that 90% of Charlie's team was West Indian negros, I thought they needed it so I
15 helped them.

Q. All right. Then inosine, what is it and what was it intended to do?

A. Inosine is a synthetic form of ATP, which is adenosine triphosphate made in Japan,
20 particularly by Takemushi under the name aminosine. ATP transfers to ADP in the body and the change of the one molecule--

Q. I'm sorry. Could I just interrupt you there. ADP?

25 A. ATP. It is adenosine triphosphate

which is converted to adenosine diphosphate, and that produces immediate energy for the muscular-skeletal system, which is what these kids needed. They were taking it orally previously being supplied by somebody, an
5 ex-weightlifter out of Winnipeg, and it was shown that A., it was much more costly in the capsule form or powder form, B, that it was impure and they were mixing it with bee pollen, assuming it was pure inosine.

Q. I'm sorry they were mixing it with--

10 A. Bee pollen.

Q. Bee pollen. We've heard a little bit about that substance.

A. Pardon?

15 Q. We have heard a little bit about that substance.

A. Yes, I guess you have. And--

THE COMMISSIONER: It was one of our lighter afternoons.

20 MR. ARMSTRONG:

Q. You don't want to buy some, do you?

A. Actually, I have quite bit of it from Mr. Lubin. I bought some from him, and the absorption of inosine was calculated to be only 8 to 12% which was A.,
25 certainly not going to help them and B., certainly not

going to help their pocketbooks.

Q. Now, Issajenko, Sharpe and Johnson were your first patients to use anabolic steroids for the purpose of enhancing an athletic performance, were they?

5 A. Yes, sir.

Q. And subsequent of course to Angella Issajenko, Tony Sharpe and Ben Johnson,--

THE COMMISSIONER: We have heard--I think the doctor said that when he first treated Mr. Johnson for
10 the knee injury, though he had said that he had been on these steroids before, he was not taking at the time. I don't think we have heard anything that Dr. Astaphan prescribed the steroids for Mr. Johnson at all yet.

15 MR. ARMSTRONG:

Q. I'm sorry, you're right. Dr. Astaphan, subsequent to treating Ben Johnson for the leg injury without the intervention of surgery, you became his physician, and we're going to cover this in some detail
20 later, but it is in fact so that you became involved in advising him and assisting him in respect of a steroid program; is that not so?

A. Yes, sir.

Q. All right. Then--

25 THE COMMISSIONER: I interrupted you.

Apart from Ms. Issajenko, Sharpe and Johnson.

MR. ARMSTRONG:

Q. No, it was an appropriate interruption.

5 I appreciate it. There indeed after those three, there were other athletes with whom you became involved in the same way, that is they became your patients treating them in respect of their sports injuries and also in regard to giving them advice and assisting them in their steroid and
10 drug programs related to performance enhancement. Is that not so?

A. Yes, sir.

Q. And let me just give you some names here as to Canadian athletes, particularly related to
15 track and field with whom you became involved in a drug program or drug programs.

Tony Issajenko, Cheryl Thibedeau, Mike Sokolowski, Dave McKnight, Andrew Mowatt, Tim Bethune, Peter Dajia, Rob Gray, Mike Spiratoso, Mark McKoy, Desai
20 Williams -- Mark McKoy and Desai Williams being somewhat laterally and briefly in 1988, and perhaps others, but those are some of the names who have surfaced to date. Some of the names have not surfaced yet but will, and can you confirm that those individuals became patients of
25 yours, or if not patients, received advice in respect of

the taking of anabolic steroids and other performance-enhancing substances?

A. Yes, sir.

5 Q. All right. Then, Dr. Astaphan, just as a general question, can you explain--

THE COMMISSIONER: Did you mention Thibedeau and Killingbeck?

MR. ARMSTRONG:

10 Q. I mentioned Thibedeau. I did not mention Killingbeck. Did you--

A. No, never.

Q. You weren't involved with Molly Killingbeck?

15 A. Not for any performance-enhancing drugs.

Q. Then, Dr. Astaphan, you have told us a few minutes ago what your rationale was in terms of assisting Angella Issajenko. Was it the same rationale with respect to these others or was it different in each case? Perhaps the question is too broad and too general, and if it is, please tell me. What was your rationale in providing anabolic steroids to these athletes?

20

A. Okay, I'll preface this with a statement which I made to you before. The axiom among

25

track and field plus other athletes was "if you don't take it, you won't make it," so if I didn't monitor them and if I didn't give it to them, they were going to get it elsewhere, and most of them had got it elsewhere and were taking it at the time they came to me. They came to me for advice and for supervision, and I thought it was my responsibility to do this.

Q. All right. Now you mentioned the word supervision, and that leads me to ask you what medical monitoring did you do of these people in order to determine what effect, if any, the taking of steroids had on their health?

A. Well, you monitor them physically; blood pressure, pulse, do laboratory tests and hematological and urine testing, and you also, which is one reason why I think that they stuck with me so much, was that I went to the track and saw them training. I went to the meets, I made sure not just clinically in the office but on the field, I saw the way they were performing and if they were having any side effects.

I told them what to look for, color changes in the eye and color changes in the urine and color changes in the stool. Before any of them went on the program, we discussed at length with them what they had been on, what they were taking, what they knew about it,

and they were all quite knowledgeable.

THE COMMISSIONER: You mentioned laboratory tests.

THE WITNESS: Yes, sir.

5 THE COMMISSIONER: Was there any specific areas that you had investigated?

THE WITNESS: They were supposed to do liver enzyme, but their literature will show you that liver enzymes are completely are non-specific because
10 there has been one reported death from liver problems and anabolic steroids over the past 19 years, and that was because the guy took it for four years straight without coming off.

MR. ARMSTRONG: For 14--

15 THE WITNESS: No, for four years straight he took it.

THE COMMISSIONER: That was a death?

THE WITNESS: Yes, sir.

20 THE COMMISSIONER: Did you have them tested for liver--

THE WITNESS: When necessary, yes.

THE COMMISSIONER: What other tests would you prescribe or request?

25 THE WITNESS: Oh, you do a complete blood count. You do a hemoglobin hematocrit differential blood

smear and the liver function test, for liver enzymes, which all documentation shows returns to completely normal 14 days after taking any anabolic steroid.

5 MR. ARMSTRONG:

Q. All right. Now, you indicated, Dr. Astaphan, that you discussed with them at length what drugs they had been on, what drugs they were going to take. Did you ever discuss with any of these athletes the
10 possible side effects from taking anabolic steroids?

A. Yes, I thought I had included that previously.

Q. Perhaps you did. I'm sorry.

A. You would discuss with them A., what
15 they would observe for us, which would be facial changes, acne, hisutism, et cetera, which they never did observe, and the side effects that there is a remote, remote possibility, but you would have to discuss it with them, of liver and kidney problems or whatever. Most of them
20 had copies of the CPS, which they got I don't know how.

Q. All right. When you say the remote possibility of liver and kidney problems, I take it you must mean what other witnesses or some other witnesses have said that if taken in small enough doses, the risks
25 are not so great. Is that what you mean?

A. I honestly don't know what other witnesses have said.

Q. All right. That's fair enough.

A. Taken in recommended doses, there are
5 no side effects, even though you have to explain to the
patient that there might be, and the documentation coming
from the manufacturers themselves, not what they publish
in the compendium of pharmaceuticals, it will show you
that the side effects are tremendously exaggerated, and
10 these athletes all know that.

THE COMMISSIONER: Well, it depends, I
suggest, though that the amount taken and the length of
time in which they take it.

THE WITNESS: Certainly.

15

MR. ARMSTRONG:

Q. Now, in the context in which we are
discussing here, I wanted to ask you in particular about
Ben Johnson. First of all, you have told us that when you
20 saw him the very first time, he explained to you that he
was on or had since 1981 taken anabolic steroids from time
to time, and he told you which ones he had taken.

When you got involved with Ben Johnson in
advising him and prescribing for him anabolic steroids,
25 did you from time to time have the same kind of discussion

with him about what the drugs were, what they were
intended to do, what the side effects were?

5

10

15

20

25

A. All of them. He was very inquisitive.

Q. He was very inquisitive?

A. Yes.

5 Q. And when you had these discussions with him, did you -- did he understand what you were telling him?

A. Absolutely.

10 THE COMMISSIONER: Have you put a date on that, Mr. Armstrong, when this program started with Mr. Johnson? You are going to come back to that, are you?

MR. ARMSTRONG: Yes, I am going to come back to that for --

THE COMMISSIONER: Okay. Thank you.

15 MR. ARMSTRONG: Perhaps at the moment dealing more in generalities.

THE COMMISSIONER: In generalities, thank you.

MR. ARMSTRONG: And we will be more specific.

20

MR. ARMSTRONG:

25 Q. Now, there has been some evidence, Dr. Astaphan, from Charlie Francis in particular, and also, I believe, from Angella Issajenko, that you introduced in the fall of 1984 an injectable steroid called water-based

Dianabol. And do you recall that?

A. I recall the water-based Dianabol, but I didn't introduce it.

Q. I see. Who introduced it?

5 A. One of the Mazda athletes. I am not sure which one brought a bottle in to me that they had picked up at a meet somewhere, at a training camp. And that was the going thing in the track and field.

10 THE COMMISSIONER: Does it come in a vial form?

THE WITNESS: Yes.

THE COMMISSIONER: The water based?

THE WITNESS: I am not sure what size it came in, I think it was --

15 THE COMMISSIONER: It's water based, not oil based, though, is it?

THE WITNESS: No, it was supposed to be water-based Dianabol.

THE COMMISSIONER: All right.

20 THE WITNESS: I think it was in a 10 cc bottle.

THE COMMISSIONER: All right.

25 THE WITNESS: They had only brought back one bottle. I suspect that they had -- that more bottles were there originally, but one bottle was brought to me.

And this was the thing being taken.

MR. ARMSTRONG:

Q. All right. And --

5 A. And I phoned around and did some investigating, and a couple of suppliers in Toronto who had a few bottles of it. And they decided to -- that since this was the reports coming out was that it was a little bit safer than the testosterone which they were
10 taking since March of '84, that they will try it.

Q. And that was the aqueous -- when you say the testosterone, the aqueous testosterone that they had used at Guadeloupe?

A. Yes.

15 Q. In March '84 that you had obtained for them?

A. Yes.

Q. All right. Now, one of the features of water-based Dianabol, according to Charlie Francis, was
20 that you believed that it had a shorter clearance time than the other drugs that they had been taking, and in particular, shorter clearance time, I believe, than the oral Dianabol. Do you recall that?

A. Yes, I suppose water-based Winstrol
25 should clear in 7 to 11 days -- water-based Dianabol. And

oral Dianabol supposedly has been reported tested positive 27 days after taking it.

Q. All right. Oral Dianabol as reported as tested 27 days?

5 A. Twenty-seven to 30 days after.

Q. All right. I take it that clearance times would have been one of the subjects that you would have offered advice on to the various athletes from time to time?

10 A. Yes. That was a very important point.

Q. All right. Now, let me just take a moment to review where we are at this point in time.

In October '83, you became involved with Angella Issajenko, as you have stated. In late '83, you became involved with Tony Sharpe. In late '83 or early '84 you became involved with Ben Johnson. In the late '83, you provided growth hormone to Charlie Francis --

15

A. Early '87.

Q. Sorry, in fairness, you have said early '84, 14 bottles to Angella Issajenko and Charlie Francis.

20

And then you provided the aqueous testosterone for the training camp in Guadeloupe.

I now move you along to the fall of '84 where we were with the water-based Dianabol. And it is at that point in time that Charlie Francis has testified that

25

you really began to take over the professional
administration of the steroid program of his athletes.
And he said that you were involved in recommending,
supplying, and administering where administration was
5 required by way of injection. And would you agree with
that evidence of Charlie Francis?

A. Yes.

Q. Yes?

A. Yes. I don't think like the word
10 supplying, but --

Q. Well, let's say --

THE COMMISSIONER: Administering.

MR. ARMSTRONG:

15 Q. -- recommend and administer?

A. Yes, and obtain for them.

Q. And obtain for them. All right. And
so certainly included in the group clearly by this time
was, from as early as the Guadeloupe training camp in
20 March, was Ben Johnson?

A. Yes.

Q. Then we have heard evidence from a
number of athletes and also from Mr. Francis that he would
often go with the athletes to your office when they were
25 being seen by you for various injuries, but as well when

you would be providing them with anabolic steroids?

A. Charlie was there quite often.

Q. And indeed particularly in this late
1984-85 period, the athletes would attend on a regular
5 basis at your office to receive during their training
periods whatever the steroids were that they were taking
at that time. Is that so?

A. Some of them would attend on a regular
basis.

10 Q. All right.

A. Ben and Tony appeared when they felt
like it.

THE COMMISSIONER: I am sorry, I didn't
hear the answer. You dropped your voice a bit. You were
15 giving the injections at that time, weren't you, Doctor?

THE WITNESS: Yes.

THE COMMISSIONER: That was the water-based
Dianabol at that period?

THE WITNESS: Yes, and the vitamin mixture.

20 THE COMMISSIONER: And the vitamin mixture.
You said something about Tony and --

THE WITNESS: And I told Mr. Armstrong --

THE COMMISSIONER: Would they all come to
you and you said not all of them?

25 THE WITNESS: No, he asked if they came on

a regular basis. And I said with the exception of Ben and Tony. They came when they felt like it, when it fit into their schedules.

THE COMMISSIONER: I see.

5

MR. ARMSTRONG:

Q. When, of course, you say Tony, you mean Tony Sharpe?

A. Yes. Tony Issajenko only came to me a couple of times, and then he reinjured himself and never trained again.

Q. Well, indeed, in Tony Issajenko's case, we have heard evidence that from certain periods of time he and Angella Issajenko arranged their own injections between them.

15

All right. Then in the spring of 1985, there was a training camp in Tallahassee, and I wanted to ask you about it.

Mike Sokolowski and Dave McKnight testified that prior to that particular training camp they obtained some aqueous testosterone from you, that when they got to the training camp Charlie Francis decided that it should be used by Ben Johnson and not by them, and then they returned to Toronto and had a discussion with you about that. Do you recall that?

25

A. Yes, sir.

Q. Tell us about that, please?

A. When they obtained the 30 cc bottle of aqueous testosterone and they took it, I think think they
5 went to Tallahassee as you said, and they were supposed to share that amongst four or five and themselves. Ben was supposed to have taken a 30 cc bottle down for himself, Angella, Tony, and I think there was a fourth person involved in that. But on the way to airport, he came in
10 to the office to pick it up, and he was so busy trying to hustle my secretary that he left the testosterone in the office.

So, when they got to Tallahassee, Charlie figured that Ben was a little better performing athlete
15 than the others, so take whatever he had and give it to him.

Q. All right.

A. The old saying, "them that has gets".

Q. I have heard of the saying, I haven't
20 experienced the fruits of the saying.

All right. Now, Dr. Astaphan, in the fall of 1985, there apparently was introduced by you a new drug to the Charlie Francis group of athletes, and, indeed, other athletes; is that not so?

25 A. Yes, sir.

Q. That drug apparently became known certainly prior to the Seoul Olympics, from 1985 until the Seoul Olympics, as Estragol?

A. Yes, sir.

5 Q. Can you tell us how this drug Estragol was introduced in to the steroid program, please.

A. Yes. I got a phone call in the office from someone in Montreal who said he had an athlete there from the Eastern Bloc who had some injectables that they were using, they had been using for about three or four years in that country, in addition to oral medication. And that he wanted to get a hold of some injectable Inosine and vitamin B mixtures, that he would exchange it. And I said, fine, come in, and I will see you. They drove down, and, as a matter of fact, I think they came on a Sunday morning.

15 And I went in to the office with them and he had 48 bottles of Miotolon, which is Furazabol.

THE COMMISSIONER: Which is what?

20 MR. ARMSTRONG:

Q. Miotolon, which is Furazabol?

A. Yes, sir.

Q. Yes.

25 A. And he had some a little bit of

literature on it. And he told me they had been using it, the doses, the regimen they had followed for almost four years, and the results they had got.

And this team had definitely come to prominence in the past four or five years.

Q. This team had definitely come to prominence --

A. Oh, sure.

Q. -- in the --

A. In the four to five years prior to this.

Q. Yes.

A. And I said, fine. And we exchanged three to one. I gave him three bottles of the vitamin mixture for his bottle of this Miotolon. So, he got 144 bottles and I got 48.

The understanding with him was that they referred to it as Estragol for many reasons. The main reason being that they did not want the "damn Americans" to get a hold of it. They would not refer to it as -- by the generic name.

THE COMMISSIONER: Was it liquid?

THE WITNESS: Yes, sir.

THE COMMISSIONER: Liquid?

THE WITNESS: Yes, suspension.

THE COMMISSIONER: They told you it was
Furazabol?

THE WITNESS: Yes. He had labels which
he had taken off the bottles which said Miotolon and the
5 Furazabol.

THE COMMISSIONER: When you got it, there
was no labels on the bottles?

THE WITNESS: No, he had the labels in
his hand, 48 labels he had.

10 THE COMMISSIONER: He took the 48 labels
off in your presence?

THE WITNESS: No, he took them off when
he brought them in to the office, but they were freshly
taken off. They were still sticky. The glue was still on
15 the bottles.

THE COMMISSIONER: You don't have one of
those labels?

THE WITNESS: No, no, sir. I wouldn't
keep them, I don't keep --

20 THE COMMISSIONER: You don't keep labels?

THE WITNESS: No.

MR. ARMSTRONG:

Q. All right. The --

25 A. Do you want me to tell you how I

introduced it to --

Q. Yes, I do, but I want to just stop you there and ask you a few other questions first.

5 I am sorry, from time to time, you do let your voice drop a bit and I miss it as perhaps others may have as well.

You said you got a phone call from Montreal?

A. Right.

10 Q. And this was from whom, without naming the name at the moment?

A. This was from a Canadian athlete who had been to see me previously.

Q. And he said he had an Eastern Bloc athlete there that wanted to talk to you about --

15 A. That's right.

Q. -- what?

A. About an injectable that they were using on their team.

Q. All right.

20 A. He actually wanted to buy some of the vitamin B stuff from this guy in Montreal. And he didn't have that much to sell him.

Q. So, he put this Eastern Bloc athlete on the telephone and you said --

25 A. No, no, no, he brought him down to see

me.

Q. He brought him --

A. Yes.

Q. -- down to see you the following

5 Sunday?

A. Yes.

THE COMMISSIONER: From Montreal?

THE WITNESS: Yes, sir.

THE COMMISSIONER: What date was that, do

10 you remember?

THE WITNESS: I think that was in the
middle of '85, around June, I think.

MR. ARMSTRONG:

15 Q. I see. And this Eastern Bloc athlete,
I take it, was not a physician?

A. He didn't have a MD.

Q. And he told you that the drug was
Miotolon?

20 A. Miotolon.

Q. Miotolon or Furazabol?

A. Which is -- Furazabol the generic name
for Miotolon. Miotolon is the trade name.

Q. He told you that it was manufactured in
25 Japan?

A. Yes. The label was marked manufactured in Japan, Daiichi Corporation in Japan.

THE COMMISSIONER: Who was the manufacturer?

5 THE WITNESS: Daiichi.

THE COMMISSIONER: Daiichi.

THE WITNESS: Yes, sir.

MR. ARMSTRONG: How do you spell Daiichi?

THE WITNESS: D-A-I-I-C-H-I.

10

MR. ARMSTRONG:

Q. All right. Now --

THE COMMISSIONER: But it came in liquid form in the vials. You said it was about got 40 vials?

15

THE WITNESS: Forty-eight.

THE COMMISSIONER: You got 48?

THE WITNESS: He had a box with 48 bottles in it.

THE COMMISSIONER: Of vials, all right.

20

THE WITNESS: Yes.

MR. ARMSTRONG:

Q. Without getting into the name of this particular athlete, was he himself a sprint athlete.

25

A. He was an Eastern Bloc athlete.

Q. All right. And whatever country he came from, you were satisfied that over the last three or four seasons, as you put it, that their team had performed very well?

5 A. Real well.

Q. And you, therefore, had, I take it, come to the conclusion that a significant component in this success had been the use of Miotolon or Furazabol?

10 A. Yes. We knew that there was something that they were using that none of us --

THE COMMISSIONER: Where does the name Estragol come from?

THE WITNESS: That was the name they used.

15 THE COMMISSIONER: I know that, but --

THE WITNESS: I don't know where they -- I don't know why they made it up, but that's the name that they used.

20 THE COMMISSIONER: That's the name you used for it after that?

THE WITNESS: Well, that's what he told me to use. Otherwise I wouldn't get any more supplies, which I never did get anyway.

25

MR. ARMSTRONG:

5 Q. And in any event, the deal, if I can call it that, with you was you call it Estragol in order not to disclose it to the Americans because you would be giving perhaps a competitive advantage to them that they didn't need. Is that it?

A. Yes. I tell you they didn't mind exchanging it with me for the Mazda team.

Q. Yes.

10 A. Because, you know, they really had no sprinters who would --

THE COMMISSIONER: Did he drive up with all the bottles in the car and so on?

THE WITNESS: Yes.

15 THE COMMISSIONER: I see.

THE WITNESS: They had nobody who would compete with our sprinters, with Ben, let me put it that way. So, they didn't mind.

20 MR. ARMSTRONG:

Q. And when he brought the 48 bottles in to your office, they were still sticky from having had the labels removed?

25 A. Yes. He said he took the labels off on the way from Montreal in the car.

Q. And he showed you the labels?

A. Forty-eight labels all stuck one on top of each other.

5 Q. And the appearance of the liquid that was in each of these bottles was a milky-white suspension, I take it?

A. It was a white suspension.

10 Q. And what information was provided to you as to what in fact this drug was other than simply the label that it was Miotolon?

A. Do you mean what the Furazobol was?

Q. Yes?

15 A. He gave me a little hand out which he had taken out of their equivalent of the CPS that Mr. Porter --

THE COMMISSIONER: What were the ingredients of it, though? What was it?

20 THE WITNESS: It's an anabolic steroid that's quite similar in molecular make and metabolic breakdown products to Stanazolol.

THE COMMISSIONER: To Stanazolol?

THE WITNESS: With the advantage that it doesn't have the androgenic side effects. It's much more anabolic.

25 THE COMMISSIONER: How did you know that,

you didn't know anything about the drug?

THE WITNESS: The printout.

THE COMMISSIONER: I see.

5 THE WITNESS: I never administered the
drug for months, you know. I made sure I found out.

THE COMMISSIONER: Did you ever have it
analyzed?

THE WITNESS: Did I? No. I don't know
anyone who would analyze it in Canada.

10 THE COMMISSIONER: I am sorry.

MR. ARMSTRONG:

Q. You don't know where it could be
analyzed in the Canada?

15 A. IOC certainly wouldn't analyze it for
us, would they? Would you send it to Mr. Dugal and tell
him to analyze it, I want to put the athletes on it.

Q. Well, that might have avoided all the
fuss we have been having, but, no, I agree --

20 A. Hindsight is 20/20.

Q. You wouldn't want to take it to Dr.
Dugal, but are there not other labs where a physician in
Toronto --

25 THE COMMISSIONER: He didn't have it tested
anyway.

THE WITNESS: I don't know.

MR. ARMSTRONG:

Q. Then the insert, this is a package

5 insert --

A. Yes.

Q. -- I take it that was provided to you?

A. Yes.

Q. And --

10 A. He provided me with a package insert
and a photocopy of a compendium printout, which is like a
medical index, similar to the CPS Mr. Porter has in front
of him, but from their country.

15 THE COMMISSIONER: But you don't find
Estragol in there?

THE WITNESS: You won't even find
Furazobol in there.

THE COMMISSIONER: No, you don't.

20 THE WITNESS: You find it in other
country's manuals.

MR. ARMSTRONG: Maybe Mr. Porter's copy
has got it in there by now. We will leave that for Mr.
Porter.

25

MR. ARMSTRONG:

Q. What did you do with the package insert and the photocopy of the information that was provided?

5 A. I kept them until I had rounded up enough information from other people. Then I throw the box and the inserts out, and I kept the bottles in my drawer.

We got a hold of numerous articles on Furazabol. Many they go back to 1962.

10 Q. All right. Did you keep any of those articles?

A. I have some, yes.

Q. What was the reason for throwing out the package insert and the box with the information on it?

15 A. What do you keep them around for? If you keep all the package inserts you got in an office, you would have to rent another office to sit down in.

Q. The 48 bottles, were they 30 cc bottles?

20 A. I think so, I think.

Q. All right. And what information were you able to obtain in respect of Furazabol about its side effects?

25 A. The side effects were minimal and mild. It had advantages, and it (a) decreased the low density

lipoprotein and did not interfere with the cholesterol, if it was at a homeopathic level.

It had very little effect on the male hormones. It was extremely slightly androgenic, and very anabolic.

Q. Now, the package insert, just going back to that for a minute, sorry to keep harping on that. The package insert, was it written in English or what language?

A. I don't remember what the insert was written in, but I read the printout that he had photocopied from the manual. It was more explicit.

Q. I see. And did you ever discuss the use of Furazabol or Miotolon with any other physician or pharmacologist as to the indications for using it and the side effects that it might generate?

A. With many physicians. I discussed it with physicians, sure. I discussed it with pharmacologists and I discussed it with people in the anabolic steroid trade, who were the people that really know the side effects first hand.

THE COMMISSIONER: Was it sold in Canada?

THE WITNESS: I would imagine you can get it in Canada. You can get anything in Canada.

THE COMMISSIONER: I just wondered who you

discussed it with if it wasn't on sale here?

THE WITNESS: Pardon?

THE COMMISSIONER: Who did you discuss it with, because I am not sure it's on sale in Canada?

5 THE WITNESS: I don't think you can buy it in Canada if you are going to a drug store but you can certainly buy it in other places.

THE COMMISSIONER: Pardon?

10 THE WITNESS: You can buy it at a lot of places in Canada without the prescription. You won't get it on prescription.

THE COMMISSIONER: I just wondered who would be knowledgeable about it for you to discuss it with in Canada?

15 THE WITNESS: In Canada, De Pasquale, for one. He is probably the most knowledgeable person in Canada.

THE COMMISSIONER: Dr. DePasquale, he is from Warkwith?

20 THE WITNESS: Yes, sir. A lot of fellows who were very big in body building and weightlifting, and a lot of the immigrant --

25 THE COMMISSIONER: But if you were supposed to keep it secret, then you weren't complying with the undertaking you made.

THE WITNESS: I take it when you speak to certain people in this business --

THE COMMISSIONER: Nobody knows what you are taking and then you are asking people about it.

5 Wasn't it inconsistent with your thesis?

THE WITNESS: No. When you discussed any medication, you don't walk into a gym and ask the first
moose that you see in there what do you know about
Furazobol. You know, the people I discuss it with are the
10 people who won't say anything.

THE COMMISSIONER: I see.

THE WITNESS: They won't say anything.
They phoned me and asked me information on certain things
which they expect in return I won't --

15 THE COMMISSIONER: I see.

THE WITNESS: -- slip out either.

MR. ARMSTRONG:

20 Q. You mentioned Dr. De Pasquale. He was indeed a classmate of yours at the University of Toronto medical school?

A. Yes, sir.

Q. You and he practiced in the same clinic in Warkwith for a period of time?

25 A. Yes, sir.

Q. He has written a book on anabolic steroids?

A. He has written about four books. I think he is on his fifth now or sixth.

5 Q. You mentioned to the Commissioner that you had also discussed Miotolon-Furazabol with pharmacologists. Who would they have been?

A. No, I didn't say pharmacologists.

Q. I am sorry, perhaps I misunderstood.

10 A. I said people in the field of anabolic steroids.

Q. I thought you had said physicians, pharmacologists, and people in the field of anabolic steroids?

15 A. No.

Q. So, I am --

A. I don't know any pharmacologists. I know pharmacists and they wouldn't know too much about that. I don't know any pharmacologists.

20 Q. Was Dr. DePasquale the only physician with whom you discussed the use of Furazabol?

A. The only Canadian physician, yes.

Q. What other non-Canadian physicians --

A. Many of them.

25 Q. -- did you discuss it with?

A. Many others: European, American,
Eastern,

THE COMMISSIONER: Americans?

5 MR. ARMSTRONG:

Q. Well, American, that puzzles me a
little bit because I thought we were going to keep this
secret from the Americans?

10 A. I didn't discuss it with Dr. Kerr and
Dr. Jakot and those people. I discussed it with people
that I know.

Q. All right. And --

A. I have a friend in the States who is
not only a MD, but he is a PhD. in --

15 Q. In pharmacology?

A. Well, I don't think so. I think it's
therapeutics and applied biochemistry and he is probably
as knowledgeable as most people.

Q. Sorry, he is?

20 A. As knowledgeable as most people,
probably more than more people.

Q. And what information did he give you?

A. Not too much. They just gave me
references to go and get.

25 Q. All right. And then without at the

moment naming names, what about the Europeans? Where were they from that you discussed Furazabol with?

5 A. From Europe, Europeans. I am not going to tell you what country they came from. I thought we decided on that. They were Western Europeans and Eastern Europeans.

Q. All right. What kind of advice, if any, did you get from the Western Europeans?

10 A. Well, the Westerns knew that it was being used, but they knew something was being used by this country. And they suspected, but they weren't sure.

One guy thought that he knew, and he was right, even though he wasn't too sure. But the guys from the Eastern Europeans knew everything about it,
15 everything, dosage, training program, the length of time to take it, what they should give with it, shouldn't give with it.

20 Q. And you then had discussions with actual Eastern Europeans who had experience with this particular drug?

A. The guy who exchanged it with me had experience with it.

Q. Well, yes, but he wasn't --

25 MR. FUTERMAN: I am sorry, sir, I couldn't hear that last answer.

THE WITNESS: No, I said the athlete who exchanged them with me had used it, he had experience with it.

5 MR. ARMSTRONG:

Q. And did he give you advice about dosages?

A. Yes.

10 Q. Did he give you advice about clearance time?

A. Yes.

Q. What did he tell you about dosages?

15 A. That the dose in -- that the dose for the female athlete, they were using was one -- a half to one cc three times a week starting on the cycle.

The male was one cc to two three times a week for a six-week period of four to six weeks.

20 If they were doing what's called stacking, they would go up to two-and-a-half to three cc's of alternate day in the men's period and three quarters to one-and-a-half cc alternate days of the month. And three-quarters to one and a half cc's alternate days for women.

25

A. The recommended dose for cholestrol and liquid problems is 1 cc twice a week, which is 25 milligrams twice a week.

5 Q. Stacking, as we have heard during the course of this inquiry, involves taking another steroid in conjunction with the primary--

THE COMMISSIONER: When you increase the dosage, they call it pyramiding, I think. Stacking is when you join another drug with it.

10 THE WITNESS: Everybody calls it something else.

THE COMMISSIONER: What do you call it if you take one-half today and one tomorrow and the one-half today and one tomorrow?

15 THE WITNESS: Well, they call it pyramiding and cycling, stacking. They call it anything.

THE COMMISSIONER: Stacking I think was taking, say, Dianabol with something else.

THE WITNESS: No, I call that shotgun.

20 THE COMMISSIONER: What do you call it?

THE WITNESS: Shotgun. Sure, they take everything they can find and hope that one works. That's the California approach.

25 THE COMMISSIONER: They call it stacking. It's a more gentle term.

MR. ARMSTRONG:

Q. Dr. Astaphan, what did you mean when you were talking about stacking here in terms of the information provided to you by this eastern European athlete? You told us it was a half to 1 cc for females three times a week. I think 1 to 2 cc's for males three times a week, and then if you were going to stack the drug, it was another dosage. I'm sorry I didn't write that down, but in that context, what does stacking mean?

A. It means loading up for two weeks on that specific drug. I don't mean poly-pharmacy, I mean loading up on that one drug.

Q. Oh, I see. Then what information did this eastern European athlete provide to you concerning clearance times of furazabol?

A. They had clearance times down to a maximum of 11 days, and most of it in 7 days. They had one person tested by the IOC and cleared after 3 days.

Q. Okay. So the information then, just so that I have it, a maximum of 11 days?

A. Yes, sir.

Q. But ordinarily seven. Is that what you said?

A. Yes, 7 to 11 is the range gave by them, but definitely by 11, usually by 7, and they had one

person tested who cleared in three days.

THE COMMISSIONER: 7 to 11?

THE WITNESS: Yes, sir. As a matter of fact, there is a second person now reported in the States,
5 who had been kept nameless, who cleared in three days too.

MR. ARMSTRONG:

Q. All right. In any event, you after getting this information made the decision to introduce
10 the drug and call it Estragol to the Francis group of athletes and others; is that so?

A. Yes.

Q. That might be a good point, Commissioner.

15 THE COMMISSIONER: We will take a morning break. Thank you.

--- Short adjournment.

--- Hearing resumed.

20 MR. ARMSTRONG:

Q. All right, Dr. Astaphan, over the break, apparently you were outvoted by your own counsel team, and they agreed that you did say that you, among
25 others, consulted with a pharmacologist or pharmacologists

in relation to the use of Estragol, and you have asked me to give you an opportunity to clarify that to the point that if you said that, you didn't intend to say it because you didn't, in fact, consult with a pharmacologist?

5 A. That's correct.

 Q. Now, the individual who came to see you in your office on the Sunday morning in Toronto back in June or thereabouts in 1985, can you tell us what country he was from, please?

10 A. Yes.

 Q. What country?

 A. East German.

 Q. Then when I was asking you when you sought out the information concerning the use of Miotolon, you said you did not go to either Dr. Kerr or Dr. Jakot. Who is Dr. Jakot?

 A. Dr. Jakot is a physician who practices in the periphery of Los Angeles who was previously in practice with Dr. Bob Kerr. The city split, and my understanding is that Dr. Jakot is the one that most of the American track and field and sprint members go to.

20 Q. Then the decision that you made to put your own athletes on Miotolon in 1985, was it simply based upon the information that you have got that you have related to us, or what exactly went into this decision?

25

You were going to tell me about that earlier, and I think I interrupted you and asked you a great number of questions. I mean, you--

A. I don't understand you.

5 Q. Well, perhaps we have all the information. It was for all of the reasons that you have suggested; I guess, that it was not as androgenic as the other anabolic steroids, more anabolic than some of the other steroids, and indeed I suspect it would have been
10 attractive to an athletic group in that it had a shorter clearance time of a maximum of 11 days. Would those have been the factors that would have been uppermost in your mind in recommending this drug to your athletes?

A. Those were three of the factors, yes.

15 Q. Any others?

A. Sure, it worked. We saw results.

Q. Well, I suppose, pardon me, that was obviously the most important. Then when you say you saw the results, that is from the team that you believed had
20 been using it?

A. From the teams, yes.

Q. Then when you introduced the drug, it's clear on the record, as we have it, that those athletes who received it knew it as Estragol and it, in fact, is so
25 that you described it as Estragol to those athletes until

after the Olympic games in 1988; is that correct?

A. No, that's not correct.

Q. Not correct. I'm sorry. Did you then
prior to the Olympic games in Seoul in 1988 disclose that
5 this drug was not Estragol or not known as Estragol but
was Miotolon or furazabol?

A. In 1985 when we got a hold of these
things, I discussed it with Charlie, Angella, Ben and
there was a fourth person. I can't remember who the
10 fourth person was. We respected the fact that -- whom I
had got this from, where he got it from, that it was made
in Japan, as Angella's testimony has stated before, that
it was Miotolon, which was closely related chemically to
stanozolol, and it would be called Estragol for the
15 previously mentioned reasons.

Q. I'm sorry, and this was in a discussion
with Charlie Francis and Angella Issajenko and Ben
Johnson?

A. Yes, and a fourth person. I don't
20 remember who the fourth person was.

Q. And when was this discussion?

A. '85 before I ever got it because I had
those bottles for months before I even thought of
administering it to them.

Q. And just so I have it, are you saying
25

that they were then fully apprised that indeed this drug was Furazabol and the reasons for describing it as Estragol?

A. Yes, sir.

5 Q. Now certainly either Charlie Francis or Angella Issajenko or both, and we can check the record over the noon break, testified that they did not become aware of, and I'm sure it was Angella Issajenko, did not become aware that this drug was not Estragol, but was
10 really Furazabol with the Japanese trade name of Miotolon or vice versa until after the Seoul Olympics. Is Ms. Issajenko, if she testified to that, in error?

A. I would say so.

15 Q. All right. Now what was your reason in 19--

THE COMMISSIONER: Mr. Francis said the same thing, not just Issajenko.

MR. ARMSTRONG: I'm sorry?

20 THE COMMISSIONER: Didn't Mr. Francis say the same?

MR. ARMSTRONG: I believe he did, but we'll have to check the record, but I've just read a note that we have clearly of Ms. Issajenko's evidence to that effect and we will--

25 A. Can I say something?

MR. ARMSTRONG:

Q. Yes, please do.

A. They were all aware. I spent time and time with them telling them it was Miotolon, made in
5 Japan, used by this eastern bloc country. They wanted it to be handled under the name Estragol for lack of spreading it. I explained to them the close similarity between the chemical composition and the metabolic breakdown between this and Winstrol or stanozolol, the
10 different effects, side effects and lack of effects, and if they knew it as Miotolon or Estragol and somehow they didn't become aware of the name Furazabol until after, then there's nothing I can be telling them.

Q. I'm sorry. I'm slightly confused. Is
15 Miotolon the trade name or Furazabol the trade name?

A. Furazabol is the generic drug name. Miotolon is the trade name. It comes under three trade names from the same company; Frazalon, Miotolon and Myotolon. As a matter of fact, they even read the
20 clipping, a copy of the clipping that the guy gave to me to them.

Q. The copy of what, of the package insert?

A. No, the photostat clipping from the
25 book that's similar to the CPS.

Q. This photostat clipping that you referred to earlier that was similar to the CPS, from what book did it come from?

5 A. From an Italian book. I can tell you the name of the book he got it from. Repertorio Terapeutico.

Q. Could I just see that.

10 THE COMMISSIONER: Is that from the book you're speaking of, the Italian CPS? What did you just read from, Doctor?

THE WITNESS: The Italian--I think it's a CPS, but it's Repertorio Terapeutico.

MR. ARMSTRONG:

15 Q. It looks like Repertorio Terapeutico, and it refers to furazabolum, and I take it this is not the sheet that you had at the time?

A. No, it's not.

Q. It had been given to you subsequently.

20 A. No, that was one of the sheets I had, but that is not the sheet he gave me. That's the sheet that was sent to me after I started inquiring.

Q. And from whom did you get this sheet?

A. From somebody in Italy.

25 Q. I see.

A. As a matter of fact, I think I told you the man's name, from Carmello Bosco.

Q. All right. And did you show--I guess this is in English as well.

5 A. Yes, it has English on the bottom.

THE COMMISSIONER: What date is that document? Do you know, Doctor?

THE WITNESS: Oh, I don't know what date that is. That's just a photostat copy of a page. I don't
10 know what date it is.

THE COMMISSIONER: You got this from a friend in Italy?

THE WITNESS: Yes. Actually, that friend is the Director of the Italian Track and Field Training
15 Centre in Formia.

MR. ARMSTRONG:

Q. And was the information from this sheet that you read to Angella Issajenko and Ben Johnson and so
20 on?

A. No, a sheet very similar to that, quite similar. It's from the same book, but I suppose it might have been another book. That was three years before. I don't know how often they put those books out.

25 Q. And the kind of information that it had

then would have been such as here, "steroidal anabolic which reduces cholestrol and triglycerides in the blood. It is used in the treatment of arteriosclerosis, hypercholesteremia, protein depletion, thinning, 5 convalescence, scarcity of nourishment, osteoporosis, delayed fracture union," -- how do you pronounce that word?

A. Osteomalacia.

10 Q. Forgive me. What advantage would there be in providing that kind of information, say, to one of the athletes, because you certainly weren't going to use this drug for any of those situations.

A. Protein depletion convalescence.
Anabolic steroids are used not for what the general 15 assumption is that they are used to make people bigger and stronger. They are used so that you don't lose muscle function and muscle cells as quickly.

20 Q. Well, protein depletion is some kind of medical condition that the drug would be used for; is that not so?

A. Yes, one of the anabolic effects.

Q. And you surely weren't providing this drug to your athletes for that particular condition, were you?

25 A. No, not for protein depletion.

Providing it to them to prevent cell breakdown during training.

Q. And--

5 A. If you take a blood sample from an athlete after training and after participating in a race, for up to ten days you get elevated enzymes that come from muscle cell damage. Mr. Armstrong, what are you going to do with my printout?

Q. I'm going to give it back to you.

10 THE COMMISSIONER: Don't leave the room, Mr. Armstrong.

MR. ARMSTRONG:

Q. All right.

15 A. You get muscle cell--for up to ten days you get enzymes elevated in the blood. That shows muscle cell damage and death, and the basis for using anabolic steroids is to greatly decrease the recovery period and the cell breakdowns during training. You're not going to get big just by taking it. It's used for a specific
20 reason and not for what it's generally understood.

Q. In any event--

THE COMMISSIONER: Does it describe the doses? May I see that when you're through? You can watch
25 me too, Doctor.

MR. ARMSTRONG: But more carefully.

THE COMMISSIONER: Go ahead, sir. Were you through with this?

MR. ARMSTRONG: You want me to go ahead?

5 THE COMMISSIONER: Well, you can come back to it. I just want to read it.

MR. ARMSTRONG:

10 Q. All right. In any event, then with Angella Issajenko, Ben Johnson and Charlie Francis, you provided them with information from a sheet such as that?

A. And from other printouts.

Q. Sorry?

15 A. From other printouts and research. We discussed the molecular makeup or the similarity to Winstrol. As a matter of fact, there was even terms by some of them as a cousin to Winstrol.

Q. A cousin to Winstrol?

A. Yes.

20 Q. And did you explain that to Angella Issajenko and Ben Johnson?

A. Sure.

25 Q. Now by the middle of 1985, both Angella Issajenko and Ben Johnson had experienced some difficulty with Winstrol and that they both said, according to

Angella Issajenko at least, and Charlie Francis, that they would get tight with Winstrol. In fact, Angella Issajenko came to the conclusion that she couldn't tolerate it at all and Ben Johnson, she said, came to the conclusion that after a few days, he just got too tight and didn't like it.

A. He was on Winstrol tablets once. I'm not sure when it was. Sometime--I don't know. Either '84 or '85 he went on a one-a-day protocol for ten days, and after five or six days, he had to quit because he couldn't run. He had tightened up. Angella took it once, to my knowledge, and she got cramps in the quadriceps and in her buttocks I think.

Q. And was there any concern then on your part that this drug Furazabol was such a close cousin to Winstrol then, bearing in mind that you knew that it had had these adverse effects on their running activity in the cases of Issajenko and Johnson?

A. No.

Q. No? Why not?

A. Because I had questioned people about it and they hadn't reported the same tightening that people reported with Winstrol. There is not as much fluid retention. That's what tightens up the muscle.

Q. All right. Then is it your evidence,

Dr. Astaphan, that indeed all of the athletes that received Estragol from you understood that, in fact, Estragol was an assumed name and that the real drug was Miotolon or Furazabol?

5 A. Yes, Miotolon.

Q. And they all understood that?

A. Yes, as far as I knew.

Q. All right.

THE COMMISSIONER: I thought you said you
10 only spoke to Mr. Francis, Mr. Johnson, Ms. Issajenko and a fourth person about this.

THE WITNESS: Originally. Those are the only four that got it originally.

THE COMMISSIONER: I see. Thank you.

15 THE WITNESS: There were three or four who got it that I never gave it to at all.

THE COMMISSIONER: They got it from Mr. Francis or somebody?

THE WITNESS: Yes, or from each other.

20

MR. ARMSTRONG:

Q. But as the others came on board, as it were, if I can use that expression, is it your evidence that they were provided with similar information?

25 A. Yes.

Q. All right. And in addition to Angella Issajenko and Ben Johnson, there were Tony Sharpe, Cheryl Thibedeau, Andrew Mowatt, Tim Bethune, Molly Killingbeck, Desai Williams, Mark McKoy briefly in '87 and '88

5 possibly, Peter Dajia, Mark Spiratoso, Rob Gray, all of whom received Estragol?

A. No.

Q. No? All of those didn't receive Estragol?

10 A. No, sir.

Q. Well, Cheryl Thibedeau did because she testified she did.

A. Cheryl did.

Q. Andrew Mowatt did.

15 A. Yes, Andrew Mowatt did.

Q. Tony Sharpe did.

A. Two or three times.

Q. All right. Tim Bethune?

20 A. No, Tim Bethune got nothing but the vitamin mixture and the anabol tablets.

Q. Molly Killingbeck--

A. She didn't get anything from me.

Q. Nothing from you. Desai Williams and Mark McKoy did, did they not?

25 A. They got growth hormone from me,

nothing else.

Q. But we are going to come to it. In August of 1988 when a protocol was drawn up prior to the Seoul Olympics, both McKoy and Williams were included in the protocol that provided for growth hormone and Estragol; is that not so?

A. Yes, they had their Estragol. I didn't give them any. They had been taking it since August '87 on their own, not from me.

Q. Fair enough. Then Dajia, Spiratoso and Grey, they all received Estragol, did they?

A. I don't know. I can't remember. I don't even know what year they came to me. The year they were banned, anyway.

Q. I'm sorry?

A. The year that they were banned.

Q. Well, they were suspended, those three, as a result of testing positively in the nationals in Ottawa in June of 1986?

A. Yes. Well, then it would be '86.

Q. '86.

A. Are you sure it was '86?

Q. Honest.

THE COMMISSIONER: Well, we have the dates when they say they were there.

MR. ARMSTRONG:

Q. We have the dates on the record. Take a large leap of faith here and agree with me that it was June of 1986.

5 A. It was June of '86 when I left Canada, and it was about six weeks, eight weeks before.

Q. What happened six to eight weeks before?

10 A. The end of June '86 would be just about two weeks before I left Canada, and I don't think I was practicing.

15 Q. Well, in fact, they came to see you in early July right after they heard that they tested positively. They got the news that they had tested positively on about July 4th, 1986. Dajia, for example, looking at his OHIP record sees you in July of '85, August '85, January '86, July '86.

20 He saw you on the fourth, the ninth and the 28th of July '86. He saw you on the 6th of January '86 and indeed his testimony in Dajia's case was when he was home for Christmas, he went through your office and I believe received some injections, and they almost certainly would have been Estragol; is that not so?

A. In January of '86?

25 Q. Yes.

A. Yes.

Q. It would have been Estragol or Furazabol. What are we going to call this drug? Your preference is Miotolon, is it?

5 A. It's up to you.

Q. All right. And Grey saw you in--starting in '84, and according to the OHIP records, saw you during the month of June, 1986, in particular on the 4th of June, '86. So he almost certainly when he saw
10 you in the '85-'86 period would have been receiving the Miotolon, correct?

A. Not necessarily. Not necessarily. You're looking at a totally different type of athlete, the shotputters and those fellows. They take what they want
15 and they have it at home.

Q. That may be so, but I'm just talking about when they came to see you --

A. I don't think I gave him any of the Miotolon. I don't think I had enough to hand around to
20 all those others. They were big fellows and they would want whopping shots.

Q. They were big fellows and what?

A. Shotputters take monstrous shots. I wouldn't give them all that stuff. They would run me dry.

25 Q. All right. In any way event, I just

want to understand it, and perhaps I'm dwelling too long on this, Dr. Astaphan, but is it your evidence that whomever received Miotolon understood, although it was called by you Estragol and by other athletes as Estragol, that indeed it was not Estragol but Miotolon with the trade name Furazabol or generic name Furazabol?

A. Generic name.

Q. Generic name Furazabol. Is that what your evidence is?

A. Yes, sir.

THE COMMISSIONER: That includes Cheryl Thibedeau too, does it?

THE WITNESS: Yes.

MR. ARMSTRONG:

Q. All right. Then in the summer of '86 or thereabouts, you made the decision to give up your Toronto or North York practice; is that correct?

A. I made the decision in April of '86.

Q. Yes, and that decision was implemented by selling your practice sometime in --

A. July I think.

Q. July of '86?

A. I think so.

Q. All right. And what happened to your

practice? Did you sell it?

A. Yes, I sold it to twin doctors Wong and Wong.

Q. Wong and Wong?

A. Yes, sir.

Q. And--

MR. LEVINE: Excuse me, sir. Just before we leave this area, I wonder if my friend intends to refer to the printout anymore or if we should have that perhaps marked as an exhibit.

MR. ARMSTRONG: I think it would be useful.

THE COMMISSIONER: Could we have this marked as an exhibit and we will give you back a photocopy. Fair enough. Thanks, Mr. Levine. What number, please?

THE REGISTRAR: 182.

---EXHIBIT NO. 182: Photocopy of page 1598 of the Reperturio Terapeutico.

Q. All right. When you sold your practice, did that include -- I assume, since that's what a practice is all about -- transferring your patients to Drs. Wong and Wong?

5 A. Yes.

Q. All right. Now, what about the -- the special group of patients who were the athletes? What arrangements were made in regard to them? Were they transferred to Wong and Wong?

10 A. No. Drs. Wong and Wong were told that I had a special group of athletes. They had seen some of them there, as a matter of fact, when they came into the office initially to look at it with Mr. Sookram and that these athletes would have a choice of who they went to.
15 If they wanted to go to them, fine. If not, then -- and that way they accepted it.

I don't think they like doing too much other than, you know, very day-to-day medical practice. They didn't want any physiotherapy equipment or nothing which I
20 had.

Q. I see. But just so I understand, are you saying that they got a -- what was it -- it was left up to the athletes themselves as to whether or not they would stay in the practice being taken over by Drs. Wong
25 and Wong or go elsewhere?

A. Yes.

Q. That, of course, would apply to any patient, though? If I had been one of your patients in 1986, you couldn't require me to continue going on to see Dr. Wong?

A. No. Well, you can -- you can direct a patient where to go to but you don't usually tell somebody buying a practice, well, I have 3,000 general patients and they may not come to you. I told them, I have a group, 30, 40, whatever it was, who are considered elite athletes, according to the CTFA, who get treatment from me and they really weren't interested in seeing them.

Q. Oh, I see. Drs. Wong and Wong weren't interested in seeing them?

A. Yes, because they didn't want to do any physiotherapy or anything which was a major part of looking after them. They were always injured.

Q. So, what arrangements were made in regard to this group of 30 or 40 athletes then?

A. Well, some of the athletes, most of them, made their own decisions to go to doctors who they had seen or had seen previously. And I had these athletes, to suggest some doctors to them.

Q. And did you do that?

A. Yes, sir.

Q. And whom did you recommend?

A. Dr. John Fenn was one.

Q. Yes?

A. Dr. Ken Cherry.

5 Q. Yes?

A. Is two, and Dr. Lepanski who I understand, or understood shortly after, had been ill and had quit practicing.

Q. That's Dr. Lepanski?

10 A. Lipanki or Lepanski -- I forget -- I don't know his right name.

Q. And, to your knowledge, did Dr. Fenn have some particular expertise when it came to dealing with athletes?

15 A. Not specific athletes but Dr. Fenn is extremely knowledgeable in therapeutics.

Q. And I think you told me before, when we were meeting outside the hearing room, that he's particularly knowledgeable in pharmacological matters, is that not so?

20 A. Yes. Dr. Fenn, he knows a lot about medications.

Q. All right. Then what about Dr. Cherry? Was he, to your knowledge, a person experienced in respect of the treatment of athletes?

25

A. Yes.

Q. Was he, to your knowledge, a doctor experienced in advising athletes in appropriate drugs to take?

5 A. Yes.

Q. And, to your knowledge, was he a physician who was experienced in the appropriate choice of anabolic steroids?

A. Yes.

10 Q. Then what happened to the various medical charts of each of your athletic patients? I'm thinking again of this group of 30 or 40 elite athletes?

A. Well, I think Angella and the ones who came in regularly are the core, as they were called, took
15 their charts and took them to which doctor they were going to.

The others, like the peripheral ones who came in once every month or every three months, charts were left to Dr. Wong and Wong, whatever charts were
20 there.

Q. When you say Angella and who?

A. The core --

Q. Oh, the core?

A. The core.

25 Q. All right. And what, they would simply

come in to your office and say, doctor, I'm now going to go to Dr. Fenn or Dr. Cherry or whomever it may have been and said, can I have my chart to take to him? Is that the way it would work?

5 A. Yes.

Q. And did Angella Issajenko then take her chart to Dr. Fenn?

A. I don't know. I don't know what she did with it.

10 Q. Did any of the other core athletes that you can recall come in and pick up their charts and take them to whatever physician they were going to go to?

15 A. No. They didn't come in and pick them up from me. They were told that they had access to go and get the charts. Usually, what's done is the physician that they go to writes a note and the patient signs it and they transfer the charts. Whether they did that or not, I don't know.

20 Q. Well, apart from Ben Johnson, do you know where the charts of Angella Issajenko and others are today?

A. No. The charts that I gave you are the only charts I have. The pieces from when I started looking after them again.

25 Q. But, the only chart we've received from

you, I believe, is a 1988 chart of Ben Johnson?

A. That's the only chart I had.

Q. That's the only chart you had?

A. Yes.

5 Q. I understand.

A. I'm not going to take Ben's Canadian chart with me to St. Kitts; it's useless. What am I going to use it there for?

10 Q. Well, I've said to others here that, fortunately, I get to ask the questions, not to answer them. But I would have thought, Dr. Astaphan, that if you were going to continue to treat any of these athletes that it would be of some assistance to you, from a historical perspective, to have available the charts of these
15 athletes?

A. No, I didn't need the charts. I knew what was on the charts and I knew what they had been on. There was no intention, when I left St. Kitts, other than them setting up a training camp in St. Kitts to come down
20 every three to six months, of really looking after them continually. The whole idea was that they would find a doctor or doctors here to carry on their care after I left. I didn't intend to commute to Canada which is actually what it turned out to be.

25 THE COMMISSIONER: You left here when, in

the summer of '86?

THE WITNESS: The 1st of September, '86.

THE COMMISSIONER: The fall of '86, I understood, yes.

5

MR. ARMSTRONG:

Q. All right. Now, Charlie Francis has testified that in the fall of 1986, before you left Toronto to go down to St. Kitts, that you provided him with a number of bottles of Estragol and a number of bottles of inosine/B-12, is that so?

10

A. Yes, sir.

Q. Tell us about that? How many did you provide to him of each and what was the basis of it?

15

A. I don't know the exact numbers but I know that I kept three and took three bottles with me and he got the rest.

THE COMMISSIONER: I'm sorry. You kept how many, doctor?

20

THE WITNESS: Three bottles and he got ---

THE COMMISSIONER: And he got the rest.

MR. ARMSTRONG: All right.

THE COMMISSIONER: Of both the Estragol and the inosine?

25

THE WITNESS: No, he got all of the inosine.

THE COMMISSIONER: All right.

THE WITNESS: He took all of the inosine.

THE COMMISSIONER: And the Estrogol ---

THE WITNESS: Except three.

5 THE COMMISSIONER: Except three.

THE WITNESS: I kept three of the Estragol,
yes.

MR. ARMSTRONG:

10 Q. And did he pay you for those drugs? I
assume he did.

A. Oh, yes, they paid me.

15 Q. And do you remember what he paid you
per bottle for the Estragol and per bottle for the
inosine?

A. No. I think it was \$40 and a \$100 --
I'm not sure. I'm not sure.

Q. And then just give me a moment, if I
could.

20 THE COMMISSIONER: Sure. Got a whole group
of them there.

25 MR. ARMSTRONG: Yes. I'm just -- we have, I
think, 12 or 14, I believe it's 12, of these bottles or
vials of a milky white liquid and is that what the
Estragol looked like when you got it, the Mytolon looked

like, when you got it from the athlete from East Germany?

A. Can I touch it?

Q. Can you what?

A. Can I touch it?

5 Q. Sure?

A. Oh!

MR. LEVINE: Excuse me, sir. What's the
number of that?

10 THE COMMISSIONER: 117-A. Even the
witnesses know that.

THE WITNESS: It's a bottle with an
obviously settled white liquid. It's a white suspension
in a bottle that looks about a 30 cc bottle.

15 MR. ARMSTRONG:

Q. Well, you told me earlier that Estragol
or Myotolon was a white suspension and you believed it
came in 30 cc bottles. That's what the Myotolon looked
like, isn't it?

20 A. Well, it looked -- all suspensions look
like that.

Q. Well, perhaps all milky white
suspensions do. That's what it looked like, in that kind
of bottle, is that not so?

25 A. Yes.

Q. And it was -- how many bottles was it, to your recollection, of the milky white Myotolon you gave to Charlie Francis.

THE COMMISSIONER: I think he said he
5 couldn't recall when you asked him earlier.

MR. ARMSTRONG:

Q. I thought I would try again.

A. I would be -- I don't remember. It
10 would be close to 30, I would imagine, because if I had three -- if I had kept three it would be....

Q. Anyway, it was obviously several. In fairness, his recollection was that he thought he got 18 of each from you but it certainly was several?

A. Oh, it was lot.
15

Q. Yes, all right. And obviously, the intention was, since you were returning to a medical practice in St. Kitts, that he would have available the Myotolon to continue the program that you had commenced
20 with his group of athletes, is that so?

A. Yes, sir.

Q. Then, Dr. Astaphan, in December of 1986, there was a training camp of a few of the Charlie Francis' athletes in St. Kitts and I believe you were
25 there at the same time, obviously, as these athletes were,

is that so?

A. Yes.

Q. And indeed, some of them stayed at a hotel that is owned by one or more members of your family?

5 A. That's correct.

Q. And I think some of them also stayed at your house?

A. (Non-verbal response)

Q. Unfortunately, the ---

10 THE COMMISSIONER: The answer is yes.

MR. ARMSTRONG: ---the record doesn't always pick up a nod. Okay, thank you.

MR. ARMSTRONG:

15 Q. Then -- And the group included Angella Issajenko, Ben Johnson, Cheryl Thibedeau, Katie Anderson, France Garreau, Charlie Francis and Waldemar Matuszewski?

A. And Angella's daughter.

Q. All right. And Charlie Francis has testified that, at that training camp, you administered what he described as Estragol, which you would describe as Myotolon and inosine/B-12, to Ben Johnson, Angella Issajenko and Cheryl Thibedeau and do you agree with that evidence of Mr. Francis?

20

25 A. Yes, sir.

Q. Now, I assume that although your direct involvement with this group of athletes during the year 1987 was intermittent, you did, as you've suggested a few moments ago, end up being in contact with at least the core group of athletes on a fairly frequent basis, is that not so?

A. Yes.

Q. And indeed, Charlie Francis would be on the phone to you, Angella Issajenko would be on the phone to you, is that so?

A. Yes. We spoke to each other extremely frequently.

Q. All right.

THE COMMISSIONER: Who is we?

MR. ARMSTRONG:

Q. I was just going to ask that myself.

A. Charlie and myself, Ben and myself, Angella Issajenko and myself. Once in a while, Cheryl might phone. I would phone to find out how she was doing.

Q. Sorry -- oh, Cheryl?

THE COMMISSIONER: Once in a while, Cheryl Thibedeau, that is?

THE WITNESS: Yes.

MR. ARMSTRONG:

Q. And Ben Johnson, as well, went on a couple of holidays, did he not, to St. Kitts during 1987?

A. One.

5 Q. One, all right. And you then attended -- let me just ask you this, backing up for a moment.

10 Apart from being on contact on the telephone with Francis, Johnson, Issajenko, occasionally Cheryl Thibedeau, did you also find your way to Toronto during the course of that year?

A. Yes.

Q. And I take it you would keep in touch with the athletes on your visits to Toronto as well?

15 A. Oh, sure. I would go and see them train. If they were at a meet, I would go to the meet.

Q. And you attended the World Championships in Rome in August of 1987?

A. Yes, sir.

20 Q. And why did you go to the World Championships in Rome?

A. Ben invited me.

Q. Ben Johnson invited you?

A. Yes.

25 Q. And did you go in order to provide him

with medical advice?

A. Yes.

Q. What about Angella Issajenko? She, of course, was at the World Championships in Rome. Were you
5 also there as her physician, as well?

A. No. I went primarily to be with Ben but Angella just coincidentally happened to be staying in the room next to Ben in the hotel. And she was a little bit injured and upset and Charlie asked me if I would mind
10 treating her and I told him, not at all.

Q. And so you did?

A. Yes.

Q. All right. And was it also during the course of the visit to the World Championships in Rome
15 that you were introduced to an Italian athlete by the name of Pier-Francesco Pavone?

A. Yes, sir.

Q. All right. I'm going to come back later and ask you some questions about Mr. Pavone. Then
20 after the World Championships in the fall of -- after the World Championships in Rome, moving along to the fall of 1987, you were in Toronto from time-to-time during the what appears to have been the fall training period of the Charlie Francis group of athletes, is that right?

A. From '87 to ---

25

THE COMMISSIONER: Fall of '87.

MR. ARMSTRONG:

Q. The fall of 1987. Late fall, November,
5 December of 1987 you were in Toronto, is that right?

A. Yes.

Q. And did you become aware in November,
December, '87 when you were in Toronto, that Desai
Williams and Mark McCoy had joined the Charlie Francis
10 group and were on an Estragol program?

THE COMMISSIONER: Rejoined.

MR. ARMSTRONG:

Q. Yes, rejoined?

15 A. Yes. Actually, I was told this in, I
think September, by phone that they had rejoined his camp.
This was after I went back to St. Kitts from -- from Rome,
from the World Championships.

Q. And I take it that you learned that
20 when they had rejoined the Francis group, that they had
become involved in a program of Myotolon or Estragol
injections?

A. And while they were -- "they're on the
shots", that's what I was told, which means the steroid
25 and the vitamin B, inosine mixture.

Q. That was kind of the vernacular, was it, that they're on the shots? That's how it would be put?

A. Yes -- inaccurate?

5 Q. No, no, no, no. Oh, the vernacular?

A. Yes, yes.

Q. A slang way of referring to the fact that they were on ---

THE COMMISSIONER: Steroids.

10

MR. ARMSTRONG:

Q. Steroids and vitamin B-12 and inosine?

A. Yes.

15 Q. Okay. And when you came to Toronto and you saw Williams and McKoy at the track, did you make any particular observation about the condition of both Williams and McKoy?

20 A. Yes, I think it was early December '87, I went -- I went up to the track unannounced to them and I went in the upper tier seats, in the balcony, and they were doing some 60 tempo metre sprints and I called Desai and told him whatever he was on, he was getting -- excuse the expression -- but he was using too much shit.

25 Q. Yes. And by that, I assume you must have meant that he was taking too much steroids?

A. Yes.

Q. And what, if anything, did he respond to that?

A. He said, okay, he will discuss it with Charlie.

Q. All right.

A. And I asked him what he was taking and he told me he was taking two cc's three times a week and Charlie denied that. Charlie said he was giving him 1 cc at least three times a week.

And then I discussed it with Charlie and told him that if he is really only getting 1 cc three -- twice a week or three times a week, something is a little bit worrisome to me. He's getting too big and I suspect that there was some extracurricular ingestion.

Q. And was that followed up in any way?

A. He denied it.

Q. All right.

A. They always deny everything when they don't want to tell you.

Q. I'm sorry? They always deny everything when they don't want to tell you?

A. Sure.

Q. Well, why would he want to deny that to you?

A. I don't know. I don't know why but athletes are like patients, you know. They don't always, in sensitive situations, tell you everything.

5 Q. All right. What about Mark McCoy when you saw him in December of 1987? Was -- did you make any particular observation about him and his condition?

A. Yes. Mark was in excellent shape, the best shape I ever seen him in, but I noticed that he was -- he had a little bit of a gimp.

10 Q. Yes?

A. And what had happened is that he had had -- one of his muscles, I think it was in the left leg, had got so strong that he had actually strained his -- actually, his tendon had a terrible bursitis which he said
15 he had been getting treatment for.

Q. Did you make any particular observation about what effect, if any, the steroid program appeared to be having on McKoy other than he appeared to be in excellent shape?

20 A. Yes. He was quick as hell.

Q. I take it then, he -- you didn't have the same, if I can put it this way, applied criticism of McKoy? He wasn't taking too much shit, as you put it?

A. No. Desai was big.

25 MR. ARMSTRONG: All right, Mr.

Commissioner, I'm going to go from here to another topic,
into the 1988 year and --

THE COMMISSIONER: We'll adjourn at 2:15?

MR. ARMSTRONG: Fine, that would be
5 convenient if it's okay with you.

THE COMMISSIONER: 2:15, thank you.

---Whereupon the proceedings are adjourned to resume at
2:15.

10

15

20

25

--- Resumed

MR. ARMSTRONG: I don't understand it, Dr. Astaphan. You're not that good looking but they need a few pictures of you before we get started.

THE COMMISSIONER: Well, speak for yourself, Mr. Armstrong. All right, thank you, gentlemen. Excuse me. All right, Mr. Armstrong.

MR. ARMSTRONG:

Q. Thank you, Mr. Commissioner. Just a couple of loose ends to pick up from before lunch.

We were talking at one point about your having sold the practice in Toronto to the two Wong brothers and after the practice was sold in the summer of '86, did you, before moving back to St. Kitts, share some office space or have an office made available you at Dr. Cherry's office?

A. Yes, besides Dr. Cherry's office.

Q. All right. So presumably, after you had given up your own practice in North York to the Wong's, you still, when necessary, continued to see your patients and in particular the athletic patients in Dr. Cherry's suite of offices or the offices adjacent to his suite; is that so?

A. Yes.

Q. All right. Then, going just back to Ben Johnson, we have it that in early 1984 he came to your office in regard to a leg injury that Charlie Francis was
5 concerned about and obviously he was probably concerned about it because the suggestion was that it required surgical intervention to treat and you decided it didn't.

You said at that time there was a discussion with Ben Johnson about steroids. He told you that he had
10 been on steroids, told you what he was on. Then you told us about the aqueous-testosterone that you had made available for training camp in Guadeloupe in 1984, in March, April, 1984.

Going to that period, shortly after the training camp in 1984, was it about that time that you
15 became directly involved in administering anabolic steroid injections to Ben Johnson?

A. Yes.

Q. And is it fair to say that from that time, from April or so of 1984, through to the summer of
20 1988, that you have been involved in administering anabolic steroids to Ben Johnson?

A. Yes, that's correct.

Q. And could you, Dr. Astaphan, give the
25 Commissioner an estimate, recognizing that you don't have

records here and recognizing that you can't be perfect, but could you give us an estimate of approximately how many times you would have injected Ben Johnson with anabolic steroids between 1984 and 1988?

5 A. Between 50 and 60 times.

 Q. And the injections, I take it, some of them would have been administered at your office in North York?

 A. Yes, sir.

10 Q. And from time-to-time, did you also administer the injections of anabolic steroids elsewhere?

 A. Yes, I did.

 Q. Where would that be?

15 A. Sometimes at Ben's home and sometimes at my home.

 Q. All right. And --

 THE COMMISSIONER: Then when you were absent, you gave certain drugs to Mr. Francis and he was supposed to administer them to Mr. Johnson, was that the understanding, when you weren't doing it?

20

 THE WITNESS: Yes. Well, Charlie had a supply.

 THE COMMISSIONER: Right.

 THE WITNESS: But Ben always, you know, insisted on getting his own. So if I was going away, Ben

25

would have his bottles which he would take to Charlie or somebody else to do.

THE COMMISSIONER: I see. But he had his own supply that you had obtained for him?

5 THE WITNESS: Yes.

THE COMMISSIONER: Thank you.

MR. ARMSTRONG:

10 Q. All right. And during that period of time, 1984 to 1988, when you were administering 50 to 60 injections of anabolic steroids, is it your evidence that he indeed understood that he was being injected with anabolic steroids, that Ben Johnson had understood?

A. Yes.

15 Q. All right. Sorry, I didn't know whether you were hesitating because you didn't understand the question or I hadn't made it clear?

A. No, I didn't know if you had finished.

Q. Oh!

20 THE COMMISSIONER: I didn't hear the question that he had asked you. Go ahead.

MR. ARMSTRONG:

25 Q. All right. I think we made ourselves clear. Then, I want to take you up to 1988 and the period

January of 1988 and the Toronto Sun Games. Did you come to Toronto at about that time and were you indeed in attendance at the Toronto Sun Games at Maple Leaf Gardens on January 29, 1988?

5 A. Yes, I came to Toronto on a Monday.

Q. Okay.

A. And I did go to the games.

Q. All right. And did you go up to the track at York University and see some of the athletes work out?

10

A. Yes, I went up every day from the following day, from the Tuesday.

Q. And what, particularly Angella Issajenko, did you make any particular observations about her as to the kind of condition that she was in?

15

A. Yes. She just wasn't running well.

Q. And did you come to any conclusion as to why that was?

A. Yes, I came to quite a few conclusions.

20

Q. What were they?

A. One was that she was under a tremendous amount of stress. Secondly, she wasn't eating properly or taking her nutritional supplements and, thirdly, I think there was some juggling around, on her part, with the medication.

25

Q. What, that is the performance enhancing drugs including anabolic steroids that she was taking?

A. Yes.

Q. She would have been taking Estragol at that time?

A. She was supposed to have been taking Estragol up until, I think, the 18th of December '87 and inosine.

Q. Yes?

A. And Inosine-vitamin B mixture.

5 Q. Yes. All right. In any event, you thought she wasn't eating properly, you thought that there was some adjustments or something going on with the medications that she was taking?

A. Well, she wasn't taking anything at that time.

10 Q. I see. Because that would be just before the --

A. That was three days before a meet, four days.

15 Q. All right. In any event, she wasn't running well, you made the observations, came to the conclusions that you did. What, if anything, did you do for her at that time?

20 A. Well, I examined her, and then I wrote down a list for her to go to the health food store. And she bought different vitamins and nutritional supplements, plus we told her to -- to give her a choice of what meals we thought she should eat. And her chose -- her choice was the steak tartare.

Q. All right. And how did she do in the Toronto Sun meet?

25 A. She equalled the world record.

Q. What about Ben Johnson in January of 1988?

A. He broke the world record.

Q. And did he appear prior to that to be in reasonably good shape?

A. Very much so. He broke the record.

Q. All right. Then in February 1988, we know that Ben Johnson injured his hamstring muscle or one of his hamstring muscles at a track meet in Furth, West Germany. Did you become aware of that?

A. They phoned me, yes.

Q. And presumably when you say "they", was that Charlie and Ben?

A. Yes.

Q. Charlie Francis and Ben Johnson, rather. And what was your medical advice? I assume it was sought and you gave it?

A. Well, my medical advice was that if there was a physician there that they trusted, let him examine him and see what he thought it was.

Q. Yes.

A. I think that was at the meet where he either ran into or ran over a cameraman, I am not sure.

Q. Yes.

A. Or fell over the railing and --

Q. Well, the one where he fell over the railing was an earlier meet in Sherbrooke, I think, where he ran up over a barrier and dropped down 12 feet?

A. Yes, but there were two incidents.

5

Q. Yes.

A. And it sounded like a lower hamstring or the plantaris muscle. My advice to him at that time was if it's that painful then it means something significant, come back home.

10

Q. All right. And is that what happened?

A. I think so.

Q. All right. Now, the evidence is that he did come home, but then went on a 10-day or so holiday to St. Kitts with Desai Williams. And were you there?

15

A. No, I wasn't.

Q. At that time you were in --

A. I was in Budapest, Hungary and Italy.

20

Q. All right. In so far as Ben Johnson is concerned, staying with him for a few minutes, the next time after the injury in Furth, West Germany that he was scheduled to run was in the early outdoor season in Japan in May --

A. That's right.

25

Q. -- of 1988, just a year ago. Now, were you consulted or was your advice sought as to whether it

was appropriate for Ben Johnson to race in Toyko in May of 1988?

5 A. Yes. I came to Canada the week before they left to go to Toyko. And I didn't think Ben was in shape to run. At least, he shouldn't have run a race where he would have to really run. But we were assured that they would fill in the race with "rabbits" so that he wouldn't have to run too much, exert too much force on his leg.

10 Q. From the evidence we heard earlier, I thought it was tortoises that they put in the race and took the rabbits out?

 A. A rose by any other name.

15 Q. All right. In any event, being assured that putting it perhaps more fairly to everyone that maybe the competition wasn't quite up to Ben Johnson's level, were you satisfied that he would go and compete, recognizing that he might not have to run full out?

20 A. No, I wasn't satisfied, but that was only my opinion and suggestion.

 Q. In any event, obviously, your view didn't prevail. We know he ran, we know that before the race ended he pulled up lame with another hamstring injury. And presumably you learned fairly shortly after

25

that that he was again facing another serious hamstring injury?

A. A couple of hours after, I got a phone call very early in the morning, they had obviously
5 forgotten the time difference between Toronto and Toyko.

Q. Yes.

A. And Charlie came on the phone and told me Ben had pulled up. The weather was apparently quite cold and damp. And he pulled up I think at about 60
10 meters, I am not sure, and that his left hamstring had "snapped". And he had seen a physician who I think was a ex-premier's personal physician who told him that he thought he had a horizontal tear of the hamstring. Then Ben came on the phone and explained the injury and
15 everything to me. And I told him that I thought that the doctor was correct, that he should get on the next plane and come home.

Q. All right.

A. I forget what day it was, but --

20 Q. It was May the 13th, 1988, the day of the race.

A. No, but I forget the day of the week like. I had to leave here on the following Monday.

Q. May the 13th, 1988 was Friday.

25 A. Yes. And they said that they would try

to come before Monday so I could examine his leg. And they didn't. And I left on Monday, and I think they got here on Wednesday or Thursday the following week.

Q. Yes.

5 A. Because he phoned me as soon as he got into Toronto.

Q. So, by this time you had left Toronto and returned to St. Kitts?

A. Yes.

10 Q. Now, your advice was for Ben Johnson to come home. Did you understand, that this injury aside, that the plan had been for Ben Johnson to return from Toyko through Toronto and then virtually immediately go off to Spain where there was a Canadian training camp and
15 a series of meets scheduled in Spain. And then a subsequent further tour of Italy and other Western European countries?

A. But before they went I knew, before they left for Japan, I knew that it was a close schedule,
20 but after they spoke to me from Japan subsequent to his injury, it didn't even enter my mind that he would be going to Europe on that tour.

Q. We have heard from both Mr. Francis and Mr. Matuszewski that it was clearly Mr. Francis' view that
25 Ben Johnson's best interest would be served by

accompanying the team to Spain and the rest of Western Europe where he could have the benefit of Mr. Matuszewski's assistance, where he could have the benefit of his coach's advice on training, and further that what they wanted to do was get you to come over and join them where the third pillar, if it were, of his advice and assistance, the medical pillar, would be put in place. Were you part of that discussion?

A. No. No, I wasn't.

Q. All right. In any event, when they phoned you, and they I assume you mean Charlie Francis and Ben Johnson, do you, when they get to Toronto, what was your understanding --

A. They didn't phone me at the same time.

Q. I see. Charlie Francis called you?

A. Yes. Ben phoned me, Charlie Francis phoned me, Ross Earl phoned me, then Ben phoned me. Then I spoke to Ben's Mom, and I spoke to this one because Ben didn't want to go, Charlie wanted him to go, the mother didn't know what to do. And Ross Earl was caught in the middle as mediator.

Q. All right, so --

A. I told him I couldn't get a plane to go to Spain for two or three weeks in that short notice.

Q. Yes.

A. And that the decision was up to Ben where he wanted to go to, not up to me.

Q. I take it, however, from the advice you had given to him and to Charlie Francis when they were phoning from Toyko that you thought he really should just come home and convalesce. And you said it never occurred to you in your thoughts that he would then go off to Europe?

A. No, I didn't think that anybody would even suggest going on a tour like that.

Q. All right.

THE COMMISSIONER: Well, he wasn't going to run. The theory is that he be there with the team, with Mr. Matuszewski, yourself, and the coach. And he would be able to convalesce and be taken care of in Europe with all three present. He wasn't going to race at that time, I didn't think.

THE WITNESS: Oh, no, he couldn't race, but that was a presumption made without even consulting me.

THE COMMISSIONER: You said anyway you couldn't get away for that period of time and go to Europe.

THE WITNESS: No. And one of the reasons why Ben was hesitant to go, and quite rightly so, was that Waldemar was there to treat all the athletes and not just

Ben.

THE COMMISSIONER: Right.

THE WITNESS: And Ben couldn't be going up and down from the hotel room to the track with them to get
5 treatment, he would have to stay fairly stable and not move around too much.

THE COMMISSIONER: In any event, he came to St. Kitts.

THE WITNESS: That's right, a four hours
10 flight versus a 10-and-a-half hour flight to Spain.

MR. ARMSTRONG:

Q. Was it your suggestion that he go to St. Kitts?

15 A. Well, it was my suggestion that either he comes to see me or I come to see him, but I wasn't going to Spain.

Q. So, he took the former option and went to see you in St. Kitts?

20 A. Yes. I gave him the choice of staying here, seeing the doctor here, or coming to St. Kitts and seeing me. He came to St. Kitts.

Q. All right. Now, before Ben Johnson went down to St. Kitts last May of 1988, we have heard
25 that he went to Ross Earl of the Scarborough Optimist

Track and Field Club and requested that he get \$10,000.00 cash in U.S. funds. And he told Ross Earl that he needed that \$10,000.00 U.S. cash for you. What do you know about that, Dr. Astaphan?

5 A. He needed the cash because he had to get a supply of growth hormones for his rehabilitation process. And the going price at that time in Toronto for growth hormone was anything between \$1,000 and \$1,500 U.S. per bottle.

10 Q. I see. And it must, I assume, have been your opinion at that time that what would assist in his recovery, among other things, would be treatments of growth hormone?

 A. Yes, sir.

15 Q. And when you say the going price was anywhere between \$1,000 and \$1,500 U.S. per bottle, I take it that wasn't on the regular pharmaceutical market, if I can put that way?

 A. You can't get it on a regular
20 pharmaceutical market.

 Q. Is that just because it's so scarce or what is the reason for that?

 A. Well, it is -- I don't think it's
because it's so scarce, it's because the controls that
25 have been put on it.

Q. I am sorry, what are those controls?

A. In order to get it through a pharmaceutical office, pharmaceutical process, you have to go through a special licenced hospitals and not all hospitals can get it.

5

Q. Are there special committees set up to approve --

A. Yes.

Q. -- the acquisition or purchase of it, whatever it is?

10

A. Yes.

Q. All right.

A. At that point in time there were a lot of fakes going around. And I figured that if I contacted somebody who I knew would not about give him any fake stuff then it might be better, because there were three fake products on the market at that time in Toronto.

15

Q. And did you then contact somebody to obtain the growth hormone for him?

20

A. Yes, I did.

Q. Who is that?

A. Steve Brisbois.

Q. Obviously, this must have been a contact by telephone?

25

A. Yes, sir.

Q. All right. What did you ask Brisbois to do?

A. To get 10 bottles of growth hormone for me.

5 Q. And was there some financial arrangement made at that time between Brisbois and you?

A. Yes, that he would get \$3,500 U.S. or \$3,600 up front and then when he brought the supplies he would get the rest.

10 Q. And did you know where he was going to get the growth hormone?

A. Yes.

Q. And so, Ben Johnson, according to Ross Earl, got the \$10,000.00 cash from him. To whom did Ben
15 Johnson, so far as you are aware, give the \$10,000.00?

A. To my brother.

Q. And then your brother made it available did he or made the \$3, 600 U.S. available to --

THE COMMISSIONER: Mr. Brisbois?

20

MR. ARMSTRONG:

Q. -- Steve Brisbois?

A. Yes. Yes, I phoned him and told him to give the money to Steve Brisbois.

25 Q. Is that so far as you are aware what

happened?

A. Yes, sir.

Q. Now, did Brisbois ever get the growth hormone for you?

5 A. No, he didn't.

Q. And did you ever talk to Brisbois as to what happened?

A. Yes, many times.

Q. What did he tell you?

10 A. Which story do you want me to give you?

THE COMMISSIONER: Well, he gave one here. He testified here.

THE WITNESS: On one occasion he told me that he had given money to Frank Berone and Frank didn't show up with the supplies. And then the next occasion he told me he had given money to Doug Riley, and Doug didn't show up with the supplies. On the third occasion, he told me he had given it to a French Canadian weightlifter who didn't show up with the supplies. And eventually I put the money back in out of my own pocket and I got my own supplies.

15

20

Q. That was later on in the summer of 1988?

THE COMMISSIONER: He testified here that he made the deal with Barone, is what he said here.

25

THE WITNESS: Pardon?

MR. ARMSTRONG:

5 Q. And, in fact, at least that was one of
the stories that he told you that he had given the money
to somebody called Barone?

A. To Frank Barone, yes.

Q. Frank Barone?

A. V-A-R-O-N-E.

10 Q. And who is Barone? Do you know who he
is?

A. Yes, Frank Barone is a body
builder-weightlifter.

Q. Then you mentioned the name Riley?

15 A. Yes, Doug Riley.

Q. Who is he?

A. He I think runs a vitamin and health
food outlet in Mississauga somewhere next to Gold's Gym.
I am not sure where.

20 Q. And then the other person you mentioned
was a weightlifter from Quebec?

A. Yes, a French Canadian weightlifter.

Q. Did he mention his name?

A. No, he didn't.

25 Q. All right. In any event, as you say

you didn't get the growth hormone and you used your own money presumably to top up the \$6,400.

A. That's right.

5 Q. And purchased your own later in the summer for 10,000.

A. No, I purchased it about the first week in June.

Q. I see.

10 A. That's when he needed it, in the acute stage of his injury, not at the end of summer.

Q. I see, I am sorry, I understood you never did get any until --

A. I didn't get any from Steve Brisbois, but I purchased the rest of the stuff myself.

15 Q. All right. It presumably was you who suggested or advised or asked Ben Johnson to get the \$10,000.00 and give it to your brother for the growth hormone before he went down to St. Kitts?

20 A. I didn't suggest it, that's what it was going to cost, and I wasn't going to pay for it.

Q. Well, perhaps it's my choice of words is a little awkward.

25 You obviously talked to Ben Johnson about this arrangement whereby he would get \$10,000.00, give it to your brother, and that it would be used to get growth

hormone to treat his injury?

A. Right, exactly.

Q. It was as simple and as clear as that I
take it, and Ben Johnson understood what the \$10,000.00
5 was for?

A. Yes, sir.

Q. And when he went to St. Kitts in May of
1988, did you in fact treat him with this growth
hormone --

10 A. Yes, I did.

Q. -- that you say you got on your own
hook?

A. Yes, I did.

Q. All right. And what treatment,
15 rehabilitation program was undertaken in St. Kitts when
Ben Johnson arrived there.

THE COMMISSIONER: Is this June now, in
June?

MR. ARMSTRONG: This is May?

20 THE WITNESS: At the end of May.

THE COMMISSIONER: The end of May?

THE WITNESS: I think it was the 23rd of
May.

MR. ARMSTRONG: May 23rd. Thank you. I
25 think we pretty much tabbed that at about the date he went

down there.

THE WITNESS: Well, the initial treatment was, you know, he had to live almost be confined to his room, for specific reasons. And, you know, he started
5 over the growth hormone, vitamin-mineral mixtures, and the use of modalities, Codetron machine and electrostim.

Q. Before you mentioned the electrostim, what was the name of the machine?

A. Codetron, C-O-D-E-T-R-O-N.

10 Q. What does that do?

A. It is a computerized accupuncture-like TEN, transcutaneous electric nerve stimulation machine made here in Toronto.

15 Q. So, he was involved in treatments on that machine?

A. Yes, sir.

Q. And involved in treatments on the muscle stimulator?

A. Yes, a microstimulator.

20 Q. And involved in receiving injections of growth hormone?

A. Yes, and the vitamin B-Inosine mixtures.

25 Q. All right. Were there any other drugs administered to him during this period in late May of

1988?

A. Yes, he had Depo-Medrol which is an anti-inflammatory corticosteroid and he got something Scantapyrin-P, which is the equivalent of what used to be in Canada called Sterazolidin, which is a mixture of Butazolidin and Prednisone.

Q. And what was the Depo-medrol for, is that an anti-inflammatory?

A. Yes, it is. It is a group of corticoid.

Q. Was that for the hamstring?

A. Yes. And he -- the hamstring was a new injury, the one he sustained in Japan. The injury which he got in --

Q. Furth?

THE COMMISSIONER: Furth?

THE WITNESS: Yes, thank you, was not a hamstring as was thought of before. It was a plantaris injury which he had, still had in May.

MR. ARMSTRONG:

Q. All right. And it was the plantaris muscle, is that up in the thigh area well?

A. No, it's in the back of the knee.

Q. I see.

A. You know it is easily mistaken for the lower insertion of one of the hamstrings, but it's not the hamstring.

Q. All right. Then the second drug that
5 you mentioned a moment ago, the Scantapyrin-P?

A. Scantapyrin-P.

Q. Scantapyrin-P. What was it for?

A. It's an anti-inflammatory analgesic.
It has Butazolidin and Prednisone.

10 Q. Again was that for the leg injury?

A. Yes, sir.

Q. All right. And do either one of those two drugs, Depo-medrol or Scantapyrin-P, do they contain anabolic steroids?

15 A. No.

Q. Was there any other drug therapy, drug treatment, used in respect of Ben Johnson's treatment in May of 1988?

20 A. Well, he drank a lot of that famous Sasparillo, if you want to consider that a drug.

Q. All right. And the visit to St. Kitts or his stay in St. Kitts we have heard was in a sense divided between the first part of it in May and early June, and then he went over to Italy and Helsinki around
25 the 9th, 10th of June, and then eventually back to St.

Kitts?

A. Back to the St. Kitts, yes.

Q. Let's for the purposes of my questions
for a few moments deal just with the first segment of the
5 visit to St. Kitts, that is late May-early June 1988.
What sort of training if any was he doing there? I think
you mentioned weightlifting, did you? Or am I imagining
it?

THE COMMISSIONER: He hasn't mentioned it
10 yet.

MR. ARMSTRONG:

Q. I am then imagining things, the weather
is too nice, or something. So what kind of training, if
15 any, did he do?

A. The second week he got up and we did
what is called water training.

Q. Water training?

A. Yes.

Q. What was involved in that Dr. Astaphan?

A. Well, that is going into the sea in
graduated stages from the waist up, initially walking back
and forth until the muscle could tolerate it, then going
from the chest up walking to and fro, and then he
25 progressed to running in the sea.

Q. Yes. So that it would start out with simply walking forward, walking backwards several times?

A. Yes.

Q. And then progressing in the water until
5 he was actually --

A. Running in the water.

Q. -- running back and forth.

Q. Was that the extent of the physical activity during this period in late May of early of '88?
10

15

20

25

A. You mean as far as training goes?

Q. Yes, as far as training goes.

A. Yes.

Q. All right. And then what about the
5 trip that I have just mentioned that we know he took to
Padova, Italy and then to Helsinki. We have also heard
that you accompanied him on that trip?

A. Yes.

Q. And when Ben Johnson was in Padova, did
10 you become aware of a disagreement, if I can put it that
way -- in fact, it's more than a disagreement, quite a
serious argument between Ben Johnson and his coach Charlie
Francis?

A. Everybody became aware of it because
15 you could hear them screaming from downstairs.

Q. And presumably then you shortly or at
the same time became aware that the upshot of that
shouting match was that Mr. Francis and Mr. Johnson agreed
to part company and Mr. Francis was going to be--not to be
20 his coach any longer. Did you learn of that?

A. Yes, I heard that, but I didn't take it
seriously.

Q. Well, in fact, certainly for a period
of time, that's what happened, is that Ben Johnson and
25 Charlie Francis both made it pretty clear, did they not,

that they had parted company?

A. I think the press made it clear. I don't think either Ben or Charlie made it clear. Ben went back to St. Kitts with me and Charlie came back to Canada, and it physically was impossible for him to coach Ben 2300 miles away.

Q. All right. Now if I could take you back. I'm sorry, I intended to ask you earlier. When the decision was made for Ben to go to St. Kitts and he arrived down in St. Kitts in May, until he went to St. Kitts, there seemed to have been a number of aborted plans for him to get on a plane and go to Spain, and those plans, on the basis of the evidence we have had, also included you. Do you have any recollection of that, that you were going to, in fact, fly to Spain with Ben Johnson?

A. Not to my knowledge.

Q. All right. Your recollection simply is that on that kind of short notice, you weren't in a position to leave St. Kitts, and either he would have to come down there or you could take the shorter hop up to Toronto to see him?

A. I didn't intend to go to Spain at that time at all.

Q. All right. Now when this argument took place between Mr. Francis and Mr. Johnson in Padova, did

you after that have some discussion with Waldemar Matuszewski as to what the future course would be so far as the conduct of Ben Johnson's training program would be leading up to and through the Olympic games?

5 A. I don't know recall the discussion. I certainly listened to Waldemar.

 Q. Waldemar Matuszewski has testified of a proposal that he says was made by you which would have involved his becoming the exclusive therapist to Ben
10 Johnson and severing his connection with the other Canadian Track and Field Association athletes and that you would become, in effect, not only his physician, but possibly, I think is the way he put it, his coach and also it would seem you might well be involved in his management
15 to some extent. Although, I think in fairness, he put it more as possibly would become involved as his coach. What, if anything, do you have to say about that?

 A. Waldemar had a proposal. He wanted ex-amount of dollars a month or 100 U.S. a bottle. He
20 wanted to take over this and he wanted to take over--and I would do this and I would do that. That was another one of many proposals. It didn't go any farther than that because A., I couldn't speak for Ben, B., I'm not a coach so I don't know how I would be able to coach Ben and C.,
25 I'm not a manager. Now, I told him go and write up the

proposal he has for himself, go and speak to Ben about it.

Q. And did he, in fact, discuss figures with you, dollar figures?

A. Probably. I don't remember. I didn't
5 pay too much regard to that discussion.

Q. I take it that up until 1988, that you had not been paid anything extra beyond what an ordinary medical fee might have been for the various services that you had provided to the Francis group of athletes
10 including Ben Johnson?

A. That's correct.

Q. And I take it that Waldemar Matuszewski was in the same boat, as it were, that he simply received his stipend from the CTFA, the Canadian Track and Field
15 Association, and he had not received anything extra in regard to the work he had done with Ben Johnson and the Francis group of athletes.

A. I don't think that's quite true. I think Ben gave Waldemar \$6,000 U.S. cash after he broke
20 the record in Rome.

Q. I see. In any event, the suggestion from Waldemar Matuszewski in his evidence was that there would be a monthly payment to him of \$5,000 a month between June and the Olympics, and if Ben Johnson won the
25 gold medal, there would be a sum of, I believe in his

case, \$150,000, and in your case, there would be a monthly stipend of \$10,000 a month up to the time of the Olympics, and if he won the gold medal, I believe a sum of \$250,000.

5 Were those kinds of figures or an agreement of that nature discussed between Waldemar Matuszewski and you in June of 1988?

 A. Those figures were thrown around by Waldemar. As I said before, I didn't discuss and pay too much attention.

10 Q. So you just dismissed this discussion on the basis of Waldemar, if you want to make a deal like that, as it were, you go off and talk to Ben Johnson yourself about it?

 A. He couldn't make a deal like that. Ben
15 had a contract with an agent, Waldemar had a contract with the CTFA. You can't just walk out on contracts because you don't like them.

 Q. All right. Then the--

 THE COMMISSIONER: Of course it was Mr.
20 Matuszewski's evidence that it was your proposal.

 THE WITNESS: Yes, I heard that.

 THE COMMISSIONER: You're saying if there was a proposal, it was his proposal.

 THE WITNESS: It wasn't even a proposal.
25 He just spoke about it.

THE COMMISSIONER: I see.

THE WITNESS: I wouldn't have gone to Ben or anybody with that proposal and neither would he. When I told him to go to Ben with his own proposal, he wouldn't.

5

MR. ARMSTRONG:

Q. All right. Now, there is also evidence that when Ben Johnson was in Padova, Italy, he went for a period of about 24 hours with Larry Heidebrecht and you to Helsinki for some kind of commercial shoot; is that correct? Did you go up to Helsinki with him?

10

A. Yes, I think it was about 36 hours, yes.

15

Q. And then after that, you returned to Padova, and then when you left Padova, you returned back to St. Kitts via London or perhaps it was just Ben Johnson that returned to St. Kitts now?

20

A. No, we both went to London. I think we spent a day and a half there because he wanted to see an aunt of his who he hadn't seen for years, and we left the next day.

25

Q. I don't think anything turns on it at all, but I think the suggestion we have heard so far is that he was attending a cousin's wedding in London.

A. Well, I was there and nobody got married.

Q. All right. Then when you went back to St. Kitts, I want to deal with the second leg, as it were,
5 of this rehabilitation program that was going on in St. Kitts, if that's an appropriate way of describing it.

THE COMMISSIONER: At the end of June?

MR. ARMSTRONG: I think on the evidence so
10 far, Mr. Commissioner.

Q. Have you got some problem there, Dr. Astaphan?

A. No, my calendar is behind you. She knows the days better than I do.

15 Q. Oh, I see.

THE COMMISSIONER: She's not allowed to coach from the sidelines.

MR. ARMSTRONG:

20 Q. All right. In any event, can I be your calendar for the moment and suggest that it was by about the third week in June that you were back in St. Kitts? You have to say yes or no.

A. Yes.

25 Q. And tell us then during this period

from about the third week in June on, was there further training by Ben Johnson?

5 A. Yes, his hamstring had healed enough that he could do light jogging and tempo work. No speed or no instant burst.

 Q. What is tempo work?

 A. Just, you know, a rhythmic, high-stepping jog.

 Q. All right. And--

10 A. Slow tempo it's called.

 Q. And what kind of drugs or medications were administered to him in this period in St. Kitts?

 A. The same thing that he was on before.

 Q. That is the growth hormone?

15 A. The growth hormone, inosine, vitamin mixtures and oral vitamin food supplements plus Depo-medrol and a decrease in scantapyrine program.

 Q. And those are the two anti-inflammatories?

20 A. Yes.

 Q. All right. Now at some time in this period, was some arrangement made for--

 THE COMMISSIONER: These are a lot of drugs you are giving at one time. Did you discuss with Mr.
25 Johnson why you were giving him and what it's going to do?

THE WITNESS: Oh, yes. He knew what they were. I discussed with him exactly. He knew what any and every drug he was taking.

THE COMMISSIONER: And why he should take
5 them as well?

THE WITNESS: Yes, absolutely.

MR. ARMSTRONG:

Q. Now, during this second leg of the
10 rehabilitation program in St. Kitts, was there some arrangement to bring down to St. Kitts Jack Scott and his assistant or associate Doug Casey?

A. I think we should back step to Padova.
That's where we started.

Q. Okay. So we are back to Padova.

A. Larry Heidebrecht told me in Padova
about a week before we got back to St. Kitts that a friend
of his who was involved in long distance running with him
years ago had phoned him just before he left the States
20 and told him that there was some miracle machine out in
the west coast that was owned and sold by a Dr. Jack
Scott, and the machine was called a Myomatic.

I said fine, I didn't know anything about a
Myomatic or what it was at that time. It sounded very
25 impressive, so I think we phoned at about half past four

in the morning because that's when it coincided with Jack Scott being at whatever number he gave Larry, and Larry spoke to him for a while and I spoke to him. He wanted to come and use the machine on Ben and everything.

5 Then we stopped speaking to him, and I sat with Larry in his room for about a half an hour, 45 minutes trying to figure out what this machine was. Jack Scott was a little bit hesitant to explain the machine to me on the phone. You know, "You won't really understand
10 unless you see the machine." Anyway,--

Q. That's what he said, you won't understand unless you see the machine?

A. Yes, because I tried to correlate it to other machines and, you know, "oh, no, no, it's not the
15 same, it's not." So we figured he might or might not show up, but nobody made any arrangements with him. I think when I got to St. Kitts with Ben, I think my wife told me that a Dr. Scott had phoned from California and said he was arriving the next night.

20 I went and picked him up at the airport, and he brought along with him a friend called Doug Casey and this huge machine. As a matter of fact, he brought two machines. We went to the hotel, I had a little snack because it was late, went into the room, checked him into
25 his room and discussed the machine a little bit

superficially because he still hadn't said much as yet.

Q. Still hadn't said what?

A. Very much about the machine as yet. He just told me it was a Myomatic, it was this, it was that, it was developed years ago by an old Chinese doctor who lived in San Francisco I think, Oregon, something like that, and that they had upgraded it and perfected it and it was a micro tense machine. We figured fine. I spoke to Ben and we figured well, it certainly won't hurt, but I don't know how much it will help, and they did the treatment program with it--

Q. Can I stop you there. When you say it certainly wouldn't hurt, how do you know that?

A. Because it's a micro tense machine and those machines can't hurt. The machine's sold by name and by size. I think you get more of a mental trip out of it than a muscular-skeletal jolt because he told me the parts and everything about that, and what it was really was a very impressive-looking type of machine.

THE COMMISSIONER: Was it a stimulator?

THE WITNESS: It's a transcutaneous electrical nerve stimulator, but it uses micro currents instead of the regular currents. Very, very small currents to the point that unless you wet--

THE COMMISSIONER: Like acupuncture only

with--

THE WITNESS: Exactly, yes. You don't even feel it. It's such a miniscule voltage going through. If you happen to wet a finger and touch it, you get a little--

5

THE COMMISSIONER: Spark--shock, I mean. Not a spark.

MR. ARMSTRONG:

10

Q. And what does this do? It stimulates the healing process, does it, gets the blood flowing?

15

A. Not blood. One theory is that it increase the endorphin production in the body which is the body's form of morphine or an analgesic, and some research on these machines show that it actually speeds up the rehabilitation of soft tissue, muscle in particular.

Q. Now this fellow who came with him, Doug Casey, who was he, so far as you understood?

20

A. Well, my understanding initially was that he was his sales manager.

25

Q. Yes, and when you had spoken with Scott on the phone in Padova and then subsequently received the message from your wife that he was on his way from California, had there up to that point in time been any financial arrangement made between Scott and you for the

use of this Myomatic machine?

A. No arrangements at all about anything we made between Scott and myself.

Q. All right. So when he arrived that
5 night to pick them up at the airport, you went to the hotel, you had a snack, you discussed the use of the machine, you came to the conclusion that it wouldn't hurt to use it?

A. Not if it was a micro tense machine,
10 no.

Q. So then were arrangements made with Scott to treat Ben Johnson with this machine?

A. Well, we discussed it with Ben that
15 night and he said yes, we would let him treat him the next day.

Q. And was Ben Johnson there when you brought him over to the--he and Casey over to the hotel?

A. Was Ben at the hotel?

Q. Yes.

A. He was at the hotel at some point
20 because we saw him after they went into the room, yes. I don't know if he was there when we arrived at the hotel.

Q. All I wanted to get at was how much, if
25 any, of the discussion about the use of the machine was Ben Johnson present for?

A. All of it.

Q. He was present for all of it?

A. For the using of the machine, what it was. He wasn't present for the technical discussion about the millihertz and all that nonsense.

Q. All right. In any event, you must have then told Johnson that you didn't think that it would hurt him to use it, and a decision was made to give it a try. Is that a fair way of putting it?

A. Larry had discussed the machine with Ben in Padova, and Ben, you know, he was willing to try just about anything that he thought would heal him up in time to run.

Q. Now up to this time, had you any knowledge that Jack Scott had some relationship with any American runners, including Carl Lewis?

A. No, I didn't.

Q. We find, Mr. Commissioner, when we have a single witness in the stand for a long period of time, that it's useful and helpful if we could have five minutes in the afternoon. I think perhaps more for me than the witness, but--

THE COMMISSIONER: I'm glad you admitted that.

MR. ARMSTRONG: I usually like to blame it

on the witness.

THE COMMISSIONER: All right, we will take
a very short break.

5 ---Short adjournment.

10

15

20

25

---Upon resuming

THE COMMISSIONER: Mr. Armstrong?

MR. ARMSTRONG: Thank you very much.

5

MR. ARMSTRONG:

Q. Now, how long was Jack Scott down in St. Kitts with this myomatic machine and Doug Casey and so on?

10

A. I think four or five days.

Q. And presumably, over that four or five day period, they treated Ben Johnson with the machine?

A. Yes, sir.

15

Q. Did you ever come to any conclusion as to whether it assisted in his recovery or treatment of the injury?

THE COMMISSIONER: Mr. Armstrong, I can't quite hear you.

20

MR. ARMSTRONG:

Q. I'm sorry. Did you ever come to any conclusion as to whether it was helpful in the treatment of this leg injury?

25

A. Yes. My conclusion was that it was no help.

Q. All right. And during the period of time that Jack Scott was in St. Kitts, did you ever have any discussion with him about Ben Johnson's use of anabolic steroids?

5 A. None.

Q. Did you ever have any discussion with Jack Scott about any of the other athletes who were patients of yours and the -- their use of anabolic steroids?

10 A. No, sir.

Q. Now, what about Doug Casey? Was there ever any discussion with Doug Casey about Ben Johnson and his use of anabolic steroids?

A. Not between myself and Doug Casey, no.

15 Q. And any discussion between you and Doug Casey about any other athlete using anabolic steroids?

A. Yes, but not any athletes from Canada.

20 Q. I see. And at the conclusion of their four or five day stay, was that more or less the conclusion of Ben Johnson's stay in St. Kitts?

A. No. I think Ben was there for about a week after.

Q. I see. And did he continue to train down there?

25 A. Yes.

Q. And by this time, presumably he was running on a regular basis, was he?

A. But he was striding. He could stride at this time. He couldn't run full out, as yet, but he could stride.

Q. And you mentioned the tempo work and the jogging and so on and I didn't ask you but I assumed that all of that would have been on dry land as opposed to in the sea?

A. Yes, that was on a grass track.

Q. All right. All right. And what kind of shape was Johnson in when he left about a week after Scott did from St. Kitts?

A. Good, very good shape.

Q. We know he then returned to Toronto and there was a reconciliation of the -- of the relationship between Ben Johnson and Charlie Francis and they began to work together again. We also know that at some point in early July you came up from St. Kitts, is that so?

A. Yes.

Q. All right. The hand signals are working, are they? All right. And then, Dr. Astaphan, did you go to the track and see Johnson, Issajenko and the others training in July at York University?

A. Yes, I did.

Q. All right. And how did Johnson appear to be coming along?

A. Good. Actually, he was -- he was ahead of what we expected.

5 Q. All right. And then did you stay in Canada until the time of the nationals on August 6th and 7th?

A. No, sir, no. I only stayed here for about five days and went back.

10 Q. I see. What was the purpose of your visit then, just to come up and check him out and check the others out or did it have some other purpose?

THE COMMISSIONER: In July?

15 MR. ARMSTRONG:

Q. In July?

A. Probably just to check them out. I don't know.

20 Q. All right. I take it that none of those athletes, the core group of you, as you have described them, and the others, were involved in taking anabolic steroids at that point in time, in July, when you were here?

THE COMMISSIONER: When was the nationals?

25

MR. ARMSTRONG:

Q. The nationals were August 6th and 7th.

A. I don't know but I would doubt it very much.

5

Q. All right.

A. Can I just say something going back one question?

Q. Yes?

10

A. In July, when I came up, it was because my wife and kids were up here.

Q. All right.

A. I got just got the look.

THE COMMISSIONER: I didn't hear the answer.

15

Maybe I should hear. It sounds like a very important question and answer to me.

THE WITNESS: In July, when I was up here, I came up to see my wife and children and they were here for the summer.

THE COMMISSIONER: I see.

20

MR. ARMSTRONG:

Q. All right. That's was the reason for the comment, 'I just got the look'. I think maybe I better go back there and your wife better come up here and things will go more smoothly.

25

All right. Now, Dr. Astaphan, you came up again in early August for the nationals, is that correct?

A. Yes, I think the 5th or 4th, I'm not sure.

5 Q. When you came up on the 4th or 5th of August, was there some discussion with Ross Earl or anybody else about arrangements being made for the payment of your services to Ben Johnson and others?

10 A. Yes, there was a discussion going on since May.

Q. I see?

A. And then June, July, August and I kept on hearing, okay, next week, next week, next week.

15 Q. All right. And I'm just going to show you a document. Could I have Exhibit 132, please? All right. Do you have your copy?

THE COMMISSIONER: Yes, I am familiar with the document. That's the contract, isn't it?

MR. ARMSTRONG: That's right.

20 MR. ARMSTRONG:

25 Q. Now, Exhibit 132 is a letter that bears the date July the 19th and it appears to be from you to Ross Earl. And does this letter set out what the ultimate financial arrangements were between you and Ben Johnson?

A. Yes.

Q. And is this the first time that there was an actual financial arrangement worked out between the two of you over and above what you could appropriately charge through OHIP when you were practicing in Ontario?

A. Yes, it is.

Q. All right. And prior to working out this arrangement which provides for a monthly fee of \$10,000 U.S. and various expenses, of course, including travel expenses and expenses to be reimbursed for medications, et cetera, had there been some discussion that involved you in getting a payment of \$25,000 U.S. from the Mazda clinic to be operated by Charlie Francis and Ben Johnson in ---

A. In Japan when he hurt his leg.

Q. In Japan?

A. There was a bonus promised to us by the Mazda Club, to Waldemar and myself, since last year in Rome.

Q. Since 1987 in Rome?

A. Yes.

Q. And did that ever materialize?

A. That's what turned up in May.

Q. All right. And so you got \$25,000 U.S.

in May?

A. Yes.

Q. I see. So this -- and perhaps it's my fault for not leading the questions appropriately -- but this letter then represents an arrangement over and above the \$25,000 payment?

A. That wasn't a payment, that was a bonus. Not from the athletes, from the Mazda Group.

Q. I see. Okay. Then, you also in ---

THE COMMISSIONER: Can I have the list of the exhibits, please, the list?

MR. ARMSTRONG: Sorry. Exhibit 134, please?

MR. ARMSTRONG:

Q. I'm just going to show you Exhibit 134 which is a document that Ross Earl said he drafted in his own hand and had you sign the document on August the 6th in the bleachers or stands at the National Championships in Ottawa. Do you recognize this?

A. I recognize the signature.

Q. And do you remember the document?

A. Well, if my signature is on it, I signed it. But, the first time I read this document was Friday afternoon at my attorney's office.

Q. So I take it from that then, that when you signed this in August of 1988, you signed it without

reading it?

A. Yes. Well, I'll give you, if you don't mind, I can give you the story behind these two things.

Q. All right. If you would, please?

5 A. When the group returned from Rome -- from Padova, there were, you know, numerous different stories going, this one's talking, that one's talking, this one's talking and we had a meeting where the hierarchy was drawn up in the group, with Ross being the
10 spokesman for the group.

It was agreed then that documents would be prepared and signed so that nobody would speak to the press or anything but Ross. By the same token, this document that was prepared on the 19th of July wasn't
15 signed on the 19th of July.

We were at the nationals at Ottawa. Ben was doing his first serious warm-up prior to his race and my interest was to keep an eye on him and to make sure (a) that he didn't get himself injured and (b), Jack Scott
20 happened to show up there and have accreditation because when we went to the track we met him all set up in the physiotherapy tent and he was working very closely with athletes and I sort of wanted to keep my eye on then.

On about three or four occasions, Ross
25 called me over and asked me to sign the document and every

time I went, Ross, Steve Findlay and Waldemar were having a heated discussion -- argument regarding Waldemar signing some document that he was signing.

5 Q. You mentioned Steve Findlay. That's Steve Findlay, the Athletes' Service Representative from the Canadian Track and Field Association?

10 A. Yes. And they went on arguing for three-quarters of an hour regarding Waldemar not wanting to sign this for some reason pertaining to money. And finally Ross said sign it and I said, fine, and I signed it. I didn't read what was in it until Friday.

Q. Well, was there some problem why you couldn't have read those few lines? I don't ---

15 THE COMMISSIONER: Well, you knew what it was. It was going to be, you said, a division of responsibility. From now on, Ross Earl would speak for the group.

20 THE WITNESS: My understanding was that we would sign an agreement that only Ross would speak on behalf of the Mazda Group.

THE COMMISSIONER: And that's what this is saying, in part?

25 THE DEPONENT: Well, that's what it's saying in most part but the last part of it is not what --

THE COMMISSIONER: No, I understand that's

part of it. But the last line you don't like?

THE WITNESS: No.

MR. ARMSTRONG:

5 Q. Let's read the last part together, the
last two sentences; "I realize that in working as closely
as I do with this athlete, I may find myself from
time-to-time to be privy to private and confidential
information which will be treated as such with respect to
10 my client and his unique position in the world.

My actions are within the IAAF rules and I
will not claim otherwise in the future."

And wasn't it so that that was a clause in
that contract to make sure that you and Waldemar, who had
15 signed a similar document, would not reveal publicly that
Ben Johnson was on steroids? That's what it is, isn't it?

A. That's what it appears to be.

Q. Yes.

A. I wouldn't have signed it if I read it.

20 THE COMMISSIONER: Why not? You weren't --
were you telling anybody that Johnson was on steroids?

THE WITNESS: No, but 'My actions are within
the IAAF rules'.

25 THE COMMISSIONER: They're not within the
IAAF rules!

THE WITNESS: Exactly, but that's what it says.

THE COMMISSIONER: Well, did you not discuss with Mr. Earl -- you knew, I guess, that there were some
5 debate going on as to people in the -- in this little entourage speaking out to the press?

THE WITNESS: Yes.

THE COMMISSIONER: That's what the fight was about. Was there some talk about steroids? Is that what
10 the problem was?

THE WITNESS: Well, there was one article written by somebody in Toronto -- I forget who was it was -- a female reporter, who said that either Charlie had said something or I had said something which was totally
15 untrue about steroids and that was retracted and corrected.

And the agreement made at Ross' home between Ross, Charlie and Larry Heidebrecht and myself was that Ross would prepare documents for us to sign stating that
20 he would be the one to speak.

THE COMMISSIONER: And you're now committing yourself not only not to speak but to falsely represent that you are complying with the IAAF rules?

THE WITNESS: Yes, that's what that last
25 line says.

THE COMMISSIONER: I know what it says.

MR. ARMSTRONG: Well, sorry?

THE COMMISSIONER: Go ahead?

MR. ARMSTRONG: Sorry, were you going to say
5 something?

THE COMMISSIONER: No.

THE WITNESS: Yes, I reiterate, if I had
read that last thing, I wouldn't have signed it.

10 MR. ARMSTRONG:

Q. In any event then, leaving aside the
last sentence which is, "My actions are within the IAAF
rules and I will not claim otherwise in the future," you
don't have any problem with the rest of the document that
15 you signed and presumeably you signed it understanding
that that's what the document provided?

A. Right.

Q. And the concern at that time clearly
was that because of this article that appeared in a
20 Toronto newspaper about steroids and so on, that somebody
within the group was going to blow the top off the steroid
issue so far as Ben Johnson was concerned, isn't that so?

A. Not to my knowledge.

Q. No?

25 A. Not to my knowledge. I think Ross was

afraid that with different people speaking, the press in their ---

THE COMMISSIONER: No, but you told us earlier the problem was that there was a media report that
5 somebody in the group had spoken of steroids and Ben Johnson?

THE WITNESS: Yes, it had said that either Charlie had spoken about ---

THE COMMISSIONER: Or you had spoken about.

10 THE WITNESS: Neither of us had spoken to anybody about that.

THE COMMISSIONER: I understand what you're saying. But that was a concern now that somebody within the group was liable to, as Mr. Armstrong had said, leak
15 out this information? I'm not saying it was valid because it didn't make much sense for the small group to try to give this up -- make this information public. It would ruin all the plans.

THE WITNESS: Well, I wasn't aware of
20 anybody being worried about any leaks.

THE COMMISSIONER: Well, it arose because of a story in the press, did it not, that somebody had discussed steroids and Mr. Johnson and Mr. Earl said,
'Nobody in this group is going to speak; I'll be the
25 spokesman'?

THE WITNESS: Exactly.

THE COMMISSIONER: You'll be the physician.

THE WITNESS: Exactly.

THE COMMISSIONER: Waldemar will be the
5 trainer and Francis will be the coach. Waldemar will be
the masseur.

THE WITNESS: Massage, yes. I don't think
that was just because of that one article. I think what
bothered Ross most and bothered most of us also was that
10 the press had created a terrific rift.

THE COMMISSIONER: Within the group?

THE WITNESS: Yes, but there was no rift.
They had created a tremendous fight between Charlie and
myself and between Ben and Charlie and it wasn't true.

15 THE COMMISSIONER: I see.

THE WITNESS: I mean this huge fight that
Ben and Charlie supposedly had --

THE COMMISSIONER: Why did Mr. Earl want you
to put that in, do you know? He gave some explanation for
20 it but it wasn't too clear in mind, myself.

THE WITNESS: I don't know. Why would he
want us to say that we wouldn't speak?

THE COMMISSIONER: No, no. He wanted you to
say you were complying with the IAAF when everybody knew
25 you weren't.

THE WITNESS: I don't know. I wouldn't have signed it if I had read it because I know I wasn't complying with the rules.

5 THE COMMISSIONER: Did you discuss it with Waldemar? Waldemar signed the same thing. Did you discuss this document with Waldemar.

THE WITNESS: Did I?

THE COMMISSIONER: Yes?

THE WITNESS: No.

10 THE COMMISSIONER: Because you both signed it the same day.

THE WITNESS: No. No. I signed it in a very brief pause in Waldemar's argument with Mr. Earl and Mr. Findlay.

15 THE COMMISSIONER: I see.

THE WITNESS: A very, very brief pause.

THE COMMISSIONER: Was Mr. Findlay -- Mr. Findlay was present, was he, when these documents were being prepared?

20 THE WITNESS: Mr. Findlay and Mr. Earl and Waldemar were seating on the bleachers. Ross' team was facing the track and Waldemar was sitting facing them and they were having a little free for all. And I don't think Waldemar --

25 THE COMMISSIONER: Did you ever discuss with

Ross Earl the fact that these athletes were on steroids?

THE WITNESS: No, I don't think Ross knew. I don't think anybody had ever discussed it with Ross. I don't think he knew anything about it.

5 THE COMMISSIONER: All right, go ahead.

MR. ARMSTRONG:

10 Q. All right. In any event, Dr. Astaphan, this sentence from -- that reads, "I realize that in working as closely as I do with this athlete, Ben Johnson, I may find myself from time-to-time to be privy to private and confidential information which will be treated as such with respect to my client and his unique position in the world."

15 THE COMMISSIONER: That relates to steroids?

MR. ARMSTRONG:

Q. That relates to steroids. It can't be anything else?

20 A. Well, it would appear so from the way it's worded. I can't say what he meant but it certainly appears so to me.

25

Q. Now, you went to Sestriere after the track meet in Ottawa?

A. Right.

Q. With the Francis group?

5 A. Yes.

Q. After Sestriere we know that the group moved on to Cesanitico, and from there on to Zurich and Cologne. You mentioned that Scott was -- that this gentleman Jack Scott was in Ottawa. We heard he was also
10 in Sestriere. Did you see him at Sestriere as well as Ottawa?

A. Yes, sir, I certainly did.

Q. And did you either in Ottawa or during the course of the European tour ever have any discussion
15 with Jack Scott about working more closely with him?

A. No. In Zurich, yes, in Zurich Jack Scott approached me in the lobby of the hotel. And he told me that he would like to meet Carl Lewis and the group because they had expressed an interest in me working
20 with them. And I ignored him because (a) I had no interest in going anywhere, and (b) I was going downstairs to eat with my son.

Q. You were going downstairs to eat with your son?

25 A. Yes.

Q. All right. And then we have -- so, presumably, that's how you responded to him that you weren't interested, I take it?

5 A. Yes. And he asked me that prior to that in Ottawa, the same question which I didn't answer.

Q. The same suggestion made?

A. In Ottawa.

Q. That you work with a group of American athletes?

10 A. Santa Monica group to quote him.

Q. When was it that you learned that he had some association with a group of American track and field athletes, the Santa Monica?

15 A. On the -- I think it was his third day in St. Kitts when accidentally a picture that they had taken fell out of Doug --

Q. Casey?

20 A. -- Doug Casey's pocket. And what it was was a picture of Ben being treated with a machine and the machine head on with the name. And they had taken either three or four reels of film, obviously to use Ben's picture with this machine name for advertising. And I told him he couldn't do that because he would have to consult with Larry Heidebrecht. Then he showed me that he
25 had done it before. And he opened the folder, the little

blurb on his machine.

Q. Brochure on the machine?

A. Yes. It had on a picture of him treating Jack Scott.

5 Q. Jack Scott?

A. Him treating Carl Lewis.

Q. That's when you realized that he had some connection with Lewis?

10 A. Yes. It said, it says Carl Lewis' trainer. Then it clicked to me that that's probably why he had been asking me every possible time he saw me in St. Kitts what was Ben on, what was Ben on, what was Ben on.

Q. Did you ever respond to him as to what Ben was on?

15 A. No. Why would I? No.

Q. Then staying for the moment in St. Kitts, was there ever any financial arrangement finalized after Scott got to St. Kitts for the services he rendered?

20 A. No. He said nothing about any financial arrangement or anything. I don't think he made any arrangements with Ben. He promised to leave the machine with Ben from the second day, I think, supposedly I assume that in return he would use Ben's picture with his machine as advertising, sort of a reimbursement.

25 But he cost me some money, too, because when

he left St. Kitts, both himself and Doug Casey didn't pay the hotel bill; I had to pay it.

Q. Then was your last contact with Jack Scott this brief meeting that you had in Zurich in the hotel where he suggested you come and work with the Santa Monica group?

A. I think so, yes.

Q. Now, we know that at the race in Zurich so far as Ben Johnson was concerned that it did not go well. The race a few days later in Rome -- or in Cologne, rather --

A. Cologne.

Q. -- was even less successful, running third in a field that didn't appear to be usually up to his --

THE COMMISSIONER: Also his times were much slower than they had been before, in both Zurich and Cologne.

THE WITNESS: Yes.

MR. ARMSTRONG:

Q. Yes. Also we have heard evidence that Angella Issajenko was injured on this tour and didn't even compete in Cologne, went home early.

We have heard evidence from Charlie Francis

and Angella Issajenko and others that a decision was made for the balance of the group after Cologne to cut the tour short, which involved at least one more visit to --

A. Berlin.

5 Q. One more track meet in Berlin?

A. I think they were going to Berlin or something, I am not sure.

Q. Were you involved in the decision, Dr. Astaphan, to come home early?

10 A. I was approached by Charlie, and he said he didn't like how they were running and they all felt -- let me put it in decent words -- felt tired and just pooped out. And he thought it would be best for them to go home early. And I said fine.

15 I couldn't make those decisions. Those decisions were up to Charlie and the team, not my decisions.

20 THE COMMISSIONER: Weren't you concerned that Mr. Johnson was running quite poorly for him? Those are slow times, as you know, in Zurich and Cologne?

25 THE WITNESS: No, sir, I wasn't concerned because I don't think Charlie was concerned either. Ben was at the point where we expected Ben to be. We told him before both races, and also in Sestriere, not to run full out because he was still just testing that hamstring. We

didn't want had him to injury it. Those races meant nothing except money. You know, one way he came second in Zurich.

THE COMMISSIONER: The times were slower?

5 THE WITNESS: All the times were slow, everybody's times were slow.

THE COMMISSIONER: Even the winner's time was slow?

10 THE WITNESS: Oh, sure, very slow. I mean Ben did 9.98 in Sestriere, whatever it is called, with supposed reading on the anemometer of zero.

THE COMMISSIONER: It was much slower in Zurich and slower in Cologne?

15 THE WITNESS: He was wind-aided and the anemometer was placed at the track meet so the wind wouldn't blow on it.

THE COMMISSIONER: I am sorry I didn't get it?

20 THE WITNESS: The wind gauge was placed in such a position that it wouldn't get the wind blowing on the back of it.

THE COMMISSIONER: You can adjust the wind that wind?

25 THE WITNESS: You can't adjust the wind but you can adjust the machine to read zero if you wanted

it to. So that's what they did in the nationals at the States.

THE COMMISSIONER: They adjust the machine that tests the wind speed?

5 THE WITNESS: Yes, sir. It depends on the angle and position where you put it. Track meets have a very nice habit of placing it so that fast times would look as though they are legitimate times. And that's what happened in Sestriere.

10 THE COMMISSIONER: Not in Cologne or Zurich, though?

THE WITNESS: No.

THE COMMISSIONER: The wind was going the wrong way?

15 THE WITNESS: I don't think you would get the Swiss and the West Germans to cheat like that.

MR. ARMSTRONG: Well, sorry.

THE COMMISSIONER: So the fast time in Italy wasn't very impressive.

20 THE WITNESS: Well, it impressed everybody else who didn't realize what was going on.

THE COMMISSIONER: But not you, though?

25 THE WITNESS: Mr. Dubin, I wasn't interested in Ben running a fast time at that point. I was interested in Ben completing the races without re-injuring

himself, which was Charlie's concern, my concern, and Ben's concern.

THE COMMISSIONER: So, when you returned from Europe, this is now August, we are now in August, aren't we, early part of August?

THE WITNESS: Yes, I think the end of the second week early part of the third week this August.

MR. ARMSTRONG:

Q. Yes. You returned --

THE COMMISSIONER: There was only a few more weeks to get ready before the Olympics?

THE WITNESS: Yes, which was the schedule we had in mind. And he was right on schedule.

THE COMMISSIONER: You weren't concerned about what appears to be a diminishing performance on your athlete's part when you came back?

THE WITNESS: Well, it's not diminishing if you take the end of May he was running zero flat. And he wasn't running at all, couldn't run. Anything is an improvement on not being able to run. And he was really ahead of schedule.

THE COMMISSIONER: But he was sound when he came home?

THE WITNESS: I beg your pardon?

THE COMMISSIONER: He was in good shape when he came home?

THE WITNESS: Not really good shape, because his plantaris and his, I think it was his left heel were acting up again. They started bothering him in Europe. And we found out that what had happened is that one of the special-named shoes, sprint shoes made for him, the support in the back was not made for a high foot. So, I had to adjust it and tape it for him.

THE COMMISSIONER: I see. That was part of the cause of the trouble, was it, the fit of the shoe?

THE WITNESS: Yes.

THE COMMISSIONER: I am sorry. Anyway, you agreed it was desireable to return to Toronto instead of going on to finish the tour?

THE WITNESS: Yes, for many reasons including the weather wasn't that good. It was damp and cold. And we really didn't want any of them, Ben or any of the others, to injure themselves.

And they were quite tired. When we went to Sestriere, nobody realized that it was at such an altitude. It was real high, and we couldn't tolerate it. Charlie and myself tried walking up a hill to go to that track meet. And we are not the healthiest specimans, but we are not sickies either. I mean we were puffing and

it's only about 400 yards, couldn't breath.

And the food wasn't what we thought was to the liking of the athletes. Then they traveled by helicopter which scared the hell out of them to Cesanitico because it couldn't take off with Waldemar's luggage.

I mean, when we got to the Cesanitico, they put us on cots from the university hostel. So, you know, they were --

THE COMMISSIONER: It wasn't a very happy time, I can see.

THE WITNESS: No, it was a terrible trip.

THE COMMISSIONER: You got back to Toronto all right, though?

THE WITNESS: Thank God, yes.

THE COMMISSIONER: We are back in Toronto now.

MR. ARMSTRONG:

Q. Well, the fact of the matter is there are a whole series of unhappy circumstances during the whole month of August, not the least of which was the late scheduling of the nationals because of the world junior championships in Sudbury in July; isn't that so?

A. Yes, that's right.

Q. And the nationals having been scheduled

in to early August, followed by this heavy European tour just prior to the Olympics, really quite frankly appears on the evidence as we have heard it to have thrown the whole schedule completely out of wack; isn't that so?

5 A. That's being kind, yes.

 Q. Yes. And how ever way you cut it wind-aided, not wind-aided, whatever the times were of Ben Johnson, he still ran third to Carl Lewis in Zurich, and third in --

10 A. Second.

 Q. -- second --

 THE COMMISSIONER: Second and third in Cologne.

 MR. ARMSTRONG: -- to Carl Lewis in Zurich
15 and third in --

 THE COMMISSIONER: In Cologne.

 MR. ARMSTRONG:

 Q. -- not a particularly strong field for
20 him in Cologne. Isn't that so?

 A. Yes, but in Cologne they have many reasons for him running that, (a) he misjudged the line. Ben could beat them jogging. He misjudged the line badly.

 Q. That doesn't -- hasn't happened very
25 often, has it?

A. Well, it did in the Olympics. If you noticed, he pulled his hand up about 12 meters from the finish line and he would have done about 9.73 or 9.75. And he was having a little bit of a personal problem, so.

5 Q. In any event, you accepted the decision, and I suggest to you, were part of the decision made to cut the European tour short and leave out Berlin and return home and get ready for the Olympics. Isn't that really what happened?

10 A. Yes, that decision was made actually in Cesanitico.

Q. I see.

15 A. That they would not go to Berlin. And it was conclusively decided by Charlie at Cologne that that was it, he had enough already. Nobody wanted to go to the Cesanitico meet. It was a meet arranged by Gerald Mach from the CTFA. Apparently he had committed them to go to a dual meet in return for them going to a training camp or something. I didn't really understand the
20 political intricacies, but it was a meet that displeased all athletes. And it was after a very long way to go. Some of us went by bus, it took 10 or 12 hours to get there.

25 Q. You weren't fortunate to get the helicopter ride?

A. Neither was Waldemar. They put him and his equipment out. The helicopter couldn't lift off with his stuff in it.

5 MR. ARMSTRONG: I don't think had what your plan is, but that might be a convenient point, if that meets with your approval.

THE COMMISSIONER: All right. Tomorrow at 10 o'clock.

MR. ARMSTRONG: Thank you.

10 --- Whereupon the proceedings adjourned until May 25, 1989, at 10:00 a.m.

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